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LADY FAIRFAX.

FROM AN ORIGINAL PORTRAIT PAINTED BY GERARD ZOUST, CIRCA 1656,

FORMERLY AT LEEDS CASTLE.

THE FAIRFAX CORRESPONDENCE.

MEMOIRS OF THE REIGN

OF

CHARLES THE FIRST.

EDITED BY

GEORGE W. JOHNSON, ESQ.,
Barrister-at-Law.

TWO VOLUMES.

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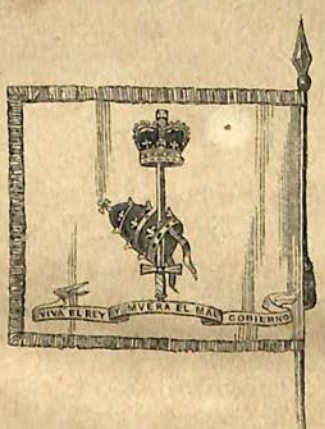

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THE REIGN

CHARLES THE FIRST.

CHAPTER I.

Army assembled at Newcastle—Money raised by Loans—Ship-money increased—Coat and Conduct money—Bullion seized—War generally unpopular—Public Meetings forbidden—Hatred of Laud—His Palace attacked—*Bellum Episcopale*—Episcopal encroachments on civil power—Trained Bands dislike the war—Earl of Northumberland declines the command—Military movements—Leslie, the Scotch General—He gives Lord Savile intelligence to the Covenanters—March of their army—Invasion of England by the Scotch—Arrive at Newcastle—Battle of Newbourn—English defeated—Newcastle taken—Scotch levy contributions—Do not commit depredations—Lord Conway blamed—Lords Wharton and Esrick advocate a peace—Strafford's violence—Fidelity of our troops questioned—Yorkshire gentry and London citizens reproached—Council of Peers summoned—Lord Clare to Lord Fairfax—Money borrowed from London—Treaty with the Covenanters opened—Letter of Strafford—Regiment disbanded—Treaty of Ripon—Scotch demands—Strafford's indignation—Skirmish near Durham—Necessity for coming to terms—Pay provided for the Scotch army—Proposed adjournment—Equity of the Scotch claims.

PARLIAMENT being removed, the preparations for war now went on boldly and actively; the Trained Bands of the various counties, amounting in the aggregate to 29,000, were ordered to concentrate at Newcastle on the 1st of June; and every conceivable means were resorted to in order to obtain the necessary supplies. This was no easy task; for the King admitted that the army alone cost 100,000*l.* per month;* and no one class of society,

* Rushworth, III. 1137.

except the clergy and Roman Catholics, contributed cheerfully to the expenses. The King demanded a loan from each ward of the City; but many of the aldermen refused to give the names of those who were capable of contributing, and consequently fell under the censure of the inquisitorial Star Chamber. Ship-money to a greater amount than formerly was levied; but in every county the levy was resisted, and the sheriffs of several were proceeded against for being dilatory in its collection. A similar resistance was made in several counties to the extortion of Coat and Conduct money,—money required for the equipment and transport of their militia. The Convocation illegally continued its sittings after the Parliament had been dissolved, and voted a per-centage out of the revenues of every benefice.

These ways and means were sufficiently illegal and oppressive, but they were not sufficiently fruitful; therefore the King did not hesitate to adopt others which were dishonest as well as oppressive. It is true that he abstained from debasing the coin, on the representations made to him of the ruinous consequences which would result from such a national fraud; but he seized the bullion deposited by private individuals in the Tower; and Lord Cottington, one of the Secretaries of State, bought for the King's use, upon long credit, large consignments of pepper, to sell immediately at a lower price for ready money.*

The resistance to the levy of the various imposts was not based solely upon their illegality, but also upon a repugnance to the war itself. All felt that it was a civil war,—a letting loose of the worst evils that could afflict a country,—for no other purpose than to advance

* May's History of the Parliament, 63.

the interests of Episcopacy. The repugnance pervaded all classes and all counties; nor were the advisers of the Crown ignorant of this national dissatisfaction. They have not the excuse either that they were uninformed upon the subject, or that the dissatisfaction was confined to any particular place. We have seen that Charles, without venturing into details upon paper, had stated his opinion to Strafford that "the Covenant (the bond against Episcopacy) was spreading too far." His Council felt this also, and, to be prepared for extremities, ordered all Deputy Lieutenants and Justices of the Peace to return to their respective counties. In Westminster, the vicinity of Laud's palace, its twelve burgesses were ordered to reside, and not to leave without leave from the Council. The apprentices of London, a turbulent and formidable body even in the seventeenth century, were so much feared, that every master was now made responsible for those bound to him as craftsmen. Even this was not thought sufficient; but the approaching May-games were suppressed by proclamation, "for the preventing of any riots or tumults which by the number of apprentices might otherwise happen." Boats were forbidden to be upon the Thames after nine o'clock; the Tower and Newgate were garrisoned; and so nervously alive were the Council to the utterance of dissatisfaction, that they summoned before them sundry convivial Lincoln's Inn students, charged with animadverting upon the Archbishop. To that prelate the best informed attributed the dissolution of the late Parliament, and other arbitrary measures. This opinion was also entertaiued by the students in question, and at a tavern in Chancery Lane they drank "Confusion to Laud." The waiter informed the Archbishop,

who not having either magnanimity or prudence sufficient to pass it by as a drunken effervescence, cited them before the Council Board. The Earl of Dorset had more discretion, suggesting, when he found that the waiter was retiring from the room at the moment the toast was given, that "The waiter was mistaken: you drank 'Confusion to the Archbishop's *foes*;' but he was gone without hearing the concluding word." This explanation was allowed to prevail, and the students were dismissed with an admonition.*

Notwithstanding every precaution, however, the apprentices gathered together, and in no measured strain gave vent to the popular feeling and opinion. On the 9th of May, a placard was stuck up at the Old 'Change, calling upon the apprentices to sack the Archbishop's residence; and within eight-and-forty hours they would have obeyed the invitation, had not Laud fortified his palace.—"Monday, May 11th," that obnoxious prelate says in his Diary, "my house at Lambeth was beset by 500 of the rascal riotous multitude. I had notice, and strengthened the house as well as I could, and, God be blessed, I had no harm. Since, I have got cannon, and fortified my house as well as I can, and I hope all may be safe; yet libels are continually set up in all places of note in the City." The rage of the multitude was not confined to the individual, but extended to the class of which he was the chief, for the cry of the mob was, "No Bishops! No High Commission!" The indignation was not confined to "the rascal riotous multitude," for the educated class designated the war, *Bellum Episcopale*, the Bishops' War, and well did it merit that title. Laud was the parent of Episcopacy in

* Rushworth, III. 1170—1180.

Scotland; he urged on the war there to establish its unstable mitres, and every possible office both there and in England was conferred, through his influence, upon some one of the Episcopal Bench. In Scotland, eleven of its fourteen bishops were privy councillors, the Archbishop of St. Andrew's was Lord Chancellor, and the Bishop of Ross Lord High Treasurer.* In England, Laud was Prime Minister, and Bishop Juxon, Lord Treasurer. "No churchman," says Laud, in his Diary,—"no churchman had it since Henry the Seventh's time. I pray God bless him to carry it so, that the Church may have honour, and the King and the State service and contentment by it; and, now, if the Church will not hold themselves up under God, I can do no more."

It was against this "holding themselves up," this ambition of civil power, this treading in the footsteps of the Roman Pontiff, that Scotch and Englishmen alike revolted. Charles was sufficiently yielding and infatuated to throw himself into the ranks of the supporters of Church power; it was the beginning of his fall, and it is not too much, perhaps, to say that as his son lost a crown to retain a mass, so Charles lost his head to retain a mitre. It will be seen that from the dissolution of that Parliament, which contemporary historians name *The Short Parliament,* in contrast to that which immediately followed, the ruin of the King proceeded with uninterrupted descent. On his part it was an unbroken series of fresh acts of despotism, of resistance on the part of his people, of disingenuousness when he was obliged to yield, and of mutual distrust when each felt that the other had so much to forgive.

It must not be supposed that amidst the general

* May's History of Parliament, 29.

repugnance to the war against Scotland, the Trained Bands, or Militia, of which the King's forces were constituted, had a contrary inclination. This was so far from being the case, that it was found necessary to impress men into the service, and mutiny paralysed the strength of the army, long before it approached that of Scotland. Nor was mutiny confined to one regiment on account of some peculiar oppression, but it was general, and against the expedition altogether. This is told by the proclamations against the mutinous conduct of soldiers in Berkshire, Warwickshire, Hereford, Dorset, Essex, and elsewhere; mutiny which involved the murder of one officer, upon no other ground than the belief that he was a Papist.*

Even the general appointed to the chief command, the Earl of Northumberland, is not without suspicion of having been restrained from the expedition by disinclination, rather than the sickness he pleaded. He was well enough on the 4th of June to write, that "so general a defection in this kingdom hath not been known in the memory of any."†

Charles, Strafford, and Laud, were not the characters, however, to yield easily or gracefully; so the assembling of the troops proceeded, though unpaid, unaccoutred, and mutinous, up to the very hour they were required to march against the advancing clans. Sir Jacob Astley, one of the stoutest of the royalist commanders, wrote thus from Selby on the 10th of July:—"I have orders from my Lord General to send four or five thousand men to Newcastle; but, considering there is not such a number yet come, and those which are come have neither colours, halberts, nor drums, I forbear. I am to receive

* Rushworth, III. 1153, &c. † Sidney Papers, II. 654.

all the arch-knaves in this kingdom, and to arm them at Selby; and before I came hither, some five hundred of them were brought by Lieutenant Colonel Ballard, and these beat up the officers and boors, and break open the prisons, &c. Two days since, Colonel Lawford's regiment came hither, who had, by the way, fought with all their officers, and, as they passed, abused all the country." In other letters, dated on the 13th and 18th of the same month, this officer again thus writes:—"It would be impossible to keep the men together, if they should miss their seven days' pay; they would disband, rise against their officers, and spoil the country. Part of my regiment raised in Daintree is there totally disbanded, and Lieutenant Colonel Culpepper beastly slain by the Devonshire men; and three hundred of the Marquis's (Hamilton) regiment refused absolutely to go to Hull for fear of being shipped."*

The mutinous conduct of the King's troops was generally known, and so well-advised of it was Charles, that the Secretary of State, Sir H. Vane, wrote, on the 15th of August, to Lord Conway, then commanding at Newcastle, urging him to do his utmost "to keep the soldiers from mutiny, until monies came down, which his Majesty and the Council were hastening to him with all possible diligence; for," adds Sir Henry, "it will be worse than ever to have disorders, either of horse or foot, fall out."†

General Leslie, the commander of the Scotch forces, was intimately informed of the ill-provided and disorganised state of the King's troops. This would have

* Dalrymple's Memorials, II. 84.

† Hardwicke State Papers, II. 151, &c., contain much information respecting this period.

been sufficient, in a military point of view, to justify his advance against them, even if he had not thereby saved his own country from the desolation incident to its becoming the seat of war. But he had still other inducements; for Lord Savile, the traitor and betrayer of all who trusted him, had forged the signatures of several English noblemen to an engagement that they would join the Covenanters if they invaded England, and refused consent to any pacification unconfirmed by the Parliament of England.* This document Savile showed to Lords Loudon and Dunfermline, whilst they were in London upon the former articles of pacification; and on their requesting that it might be transmitted to Scotland, Savile, with reluctance, consented, and it was forwarded thither in a hollow cane, borne by Frost, afterwards Secretary to both kingdoms, who journeyed in the disguise of a poor wayfaring traveller. It arrived without interruption, and was made known, Burnet says, only to three other parties, the chief confidants of the Covenanters, the Earls of Rothes and Argyle, and Archibald Johnston, afterwards Lord Waristoun, who, although they did not divulge the secret thus committed to them, took care that a rumour should be circulated through their camp, that upon their invading England, they would in due time receive great and unexpected support. This support was not afforded to them, and at one time, after they had crossed the border, they were so straitened for supplies, no aid being afforded to them by our countrymen, that it was seriously debated by the Scotch commanders whether they should not

* Burnet's Own Times, Book I.; Clarendon's History of the Rebellion, I.; Oldmixon gives a copy of the document and the signatures, but he cannot be trusted.

retrace their steps and inform the King of the invitation to invade England which they had received.*

The army of the Covenanters had set out from Edinburgh on the 20th of July, and the public enthusiasm and deep anxiety for its success form an ominous contrast to the feelings entertained by Englishmen for those who were destined to be its opponents. Even Sir Thomas Hope, the King's Advocate, has recorded his belief that God watched over that army as His chosen instrument for converting both kingdoms from Satan. In that army were two of his own sons and his son-in-law, though another son was in constant attendance upon the King, as his carver-extraordinary. Three times a-day, at morning, noon, and rest-time, did the advocate vow to prostrate himself in prayer for the success of the Covenanters' arms.†

At the close of July, and until the 20th of the month following, the army continued encamped near Dunse, the place of its former successful rendezvous, but on that day, having preceded their advance with proclamations indicative that they warred not against England, but only to defend their religion and liberty, they crossed the Tweed.

There was either some contest for the post of honour and of danger, or else in their religious enthusiasm professing to following the Apostolic example, lots were cast by the Scotch commanders to decide who first should cross the boundary stream. The lot fell to the Earl of Montrose, who, alighting from his horse, passed at once through the river, and then returned to encourage his men, for which indeed there was abundant occasion, for the cavalry had to form a line across to break

* Nalson's Collections, II. 427. † Napier's Life of Montrose, 129.

the force of the stream from the foot soldiers whilst they waded mid-deep through its waters, and even with this precaution one was swept away and drowned.*

On the 27th of August the Scotch army had advanced to within four miles of Newcastle without any interruption, except from an unsuccessful sortie made by the garrison of Berwick; and on the evening of that day, after sending a summons to surrender the town, they encamped on the heights of Heddon Law, looking down upon Newbourn. Rushworth, who saw their watch-fires that night, says the camp was of large extent:—it contained 20,000 foot and 2500 cavalry, and Lord Conway, who had long been in command at Newcastle, well knew their strength.† That officer was not equal to the difficulties by which he was surrounded, being one of those who seek aid from others when safety should depend upon their own self-reliance and exertions. Newcastle required additional fortifications; but instead of addressing himself to that work with the troopers and townspeople, he contented himself with writing to the Deputy Lieutenants of the county. Abundance of lead was in the town, but being without bullet-moulds, he contented himself with complaining of the deficiency. Sir Jacob Astley was a soldier far more capable in such an emergency, and having arrived with 4000 men, forthwith proceeded to reconnoitre the country, examine the fords, and to throw up entrenchments where the Scotch army was likely to cross.

Notwithstanding these preparations, however, and

* Baillie's Letters and Journals. The place where they crossed was Coldstream; and the horse employed to stem the stream was "The College of Justice Troop," commanded by Sir T. Hope.—*Rushworth*, III. 1222.

† The Scotch army comprised 22,000 foot and 3000 horse.—*Baillie's Letters*, I. 256.

though eight pieces of cannon were mounted on the breastworks, and he had behind them 3000 or 4000 foot and 1500 horse; the first in a good position on a hill, and an open plain below admirable for the operations of cavalry, yet Lord Conway confesses he would not have hazarded an engagement, but had resolved to retreat to Newcastle, if a letter had not reached him at the moment from the Earl of Strafford, commanding him to hold his ground.

The following observations and advice, in Strafford's letter, were not to be mistaken:—"Your lordship will permit me to deal plainly with you. I find all men in this place (York) extremely ill-satisfied with the guiding of the horse, and publish it infinitely to your disadvantage, that having with you 2000 horse and 10,000 foot, you should suffer an enemy to march so long a way without any skirmish; nay, without once looking at them. It imports you most extremely, by some noble action, to put yourself from under the weight of ill tongues. I advise that you, with all the horse, and at least 8000 foot, and all the cannon you have, do march opposite to them on this side the river, and be sure, whatever follows, to fight with them upon their passage."

We have seen that Lord Conway only in part obeyed this advice, and the result is thus related by an eye-witness:—"The Scots all the forenoon of the 28th watered their horses at one side of the river and the English on the other side without offering any interruption, until a Scotch officer, well mounted, and having a black feather in his cap came out of one of the thatched houses in Newbourn, and coming to water his horse, was shot by an English sentinel, who had

observed him with his eye upon our entrenchment. The fire was returned by some Scotch musqueteers, and immediately afterwards their cannon, planted in the church steeple, opened upon our breast-works from whence the fire was returned. This fusillade continued until the time of low water, when a breach having been made in our larger sconce, or breast-work, and Colonel Lunsford's men, who were in it, beginning to give way, complaining that no relief or support was sent to them from Newcastle, the Scotch pushed a party of twenty-six horse, being gentlemen of the College of Justice troop, rapidly across the river. This they did under cover of a heavy fire from their artillery, and, finding that the reconnoitering party was unattacked, and that our troops were withdrawing, more horse under Sir Thomas Hope, and two regiments of foot commanded by Lords Crawford, Lindsay, and Loudon, also passed across the river. The Scotch artillery was now turned upon the English horse, and some of these being soon put into confusion a general retreat was too readily sounded and obeyed. The rear-guard, under the command of Commissary Wilmot, Sir John Digby, and Captain O'Neal alone did their duty, for seeing the confusion of our troops, and that it was needful to keep the enemy in check, they charged upon their advancing ranks, and drove them back into the river, but unsupported and few in numbers, they were eventually surrounded and taken prisoners.

"Although the Scotch did not pursue, and although our loss in killed barely exceeded sixty, yet the retreat speedily became a rout, and the troops so disorganised, that Sir Thomas Fairfax, who commanded a troop of

horse, declared 'his legs trembled under him' until he had got across the Tees."*

The day following, General Leslie took possession of Newcastle, no one being more astonished than himself at such undisputed success. "We did not well know," says Baillie, who accompanied their army, "we did not well know what to do next; yet this is no new thing to us, for many a time, from the beginning, we have been at a *nonplus*, but God helped us ever."

General Leslie soon ascertained that his success had been secured really by the hearty reluctance of our countrymen to fight in what they considered an unholy cause, and he wisely resolved that no act of his or of his army, should weaken that feeling. He entertained his prisoners liberally, and then permitted them to return to the King's head-quarters; he allowed the country people to visit his camp unmolested; gave strict orders that no one should be inconvenienced more than was unavoidable; and paid for everything that was required for the supply of his men. There was somewhat of fear mixed with this policy, for their commissariat was wretchedly deficient, and as they consequently derived subsistence from our peasantry, Baillie might well observe, "if we trouble in the least sort the country of England, we are feared for their rising against us."

* Rushworth, III. 1237; Dalrymple's Memorials, II. 102; Burnet's Own Times, I.; Hardwicke State Papers, II. 162, &c. Only three officers were killed of the English army, one of whom was a son of Endymion Porter; and two Scotch officers, one being the only son of Sir Patrick Macgee, and the other Mr. Dacolmy, one of General Leslie's Life-guards. Young Macgee had taken one of our flags from young Porter, when he fell, and was shot himself whilst waving it triumphantly. Baillie says they lost less than twelve men.

At the same time it is certain that the Scotch leaders were very anxious to avoid injuring the districts through which they passed, and especially to protect the English plantations. "I found at Edinburgh," says Baillie, "Rothes, Loudon, and Mr. Archibald Johnston, sent by the army to intreat that the town would be pleased, on all security they could invent, to lend what ready money they could spare for the supply of our soldiers, who were in strait for want of money; also, because it would be troublesome to those of England, who were much delighted with planting, if our army should cut down timber for building of our huts, they prayed that the honest women might be tried what webs of hardin or sheets they might spare, that every four soldiers might have a tent of eight ells." *

But careful as the generals were to prevent any rapine upon the country people, yet some of the officers managed to effect a little pillage on their own account, either in return for protection promised, or other favour. The following very curious letter, written during the investment of Newcastle, affords an example of this.†

TO SIR THOMAS RIDDELL, OF GATESHEAD.

SIR THAMAS,

BETWEEN me and Gad, it maks my heart bleed bleud to see sic wark gae thro sae trim a gairden as yours. I ha been twa times wi my cusin the general and sae sall I sax times mare afore the wark gae the gate. But gin (before) awe this be dune, Sir Thamas,

* Baillie's Letters, I. 255.

† Preserved among the MSS. of the Riddell family.

ye maun mak the twinty punds thretty, and I maun hae the tagg'd tail trooper that stans in the staw (stable), and the wee trim trim gaeing thing (a chime clock) that stans in the newk (corner) of the hawe (hall) chirping and chirming at the newn-tide o' the day, and 40 bows of bier (bolls of barley), to saw the mons (strike the bargain) withawe. And as I am a chevalier of fortin and a lim of the house of Rothes, as the muckle main kist (great record chest) in Edinburgh Auld Kirk can weel witness for these aught hundred years and mair bygainge, nought shall skaith (hurt) your house within or without, to the validome of a twapenny cheekin.

I am, your humble servant,

JOHN LESSLY,

Major General and Captain over sax-score and two men and some mare; Crowner (Colonel) of Cumberland, Northumberland, Marryland, and Niddisdale, the Merce, Tiviotdale, and Fife; Bailie of Kirkaldie; Governor of Brunt Eland and the Bass; Laird of Libberton, Tilly, and Whoolley; Siller-tacker of Stirling; Constable of Leith; and Sir John Lessly, Knight, to the bute (besides) of awe that.

The same good policy (and there is no reason to doubt that it had for its sole object the preservation of their national church and liberties) made the Scotch still pursue the path they had formerly trod, and petition for their establishment, though in arms for the destruction of any one advancing to assail them. Victory was theirs on the 28th of August, yet within a week they petitioned the King for redress, adding to their

former petitions, no more than the request that peace might be settled, with the advice of the English Parliament.* The King's forces had in the meantime rallied, and concentrated at Northallerton, but Strafford and all his other advisers now saw that the struggle must be concluded. Strafford indeed had written to Lord Conway "to put as much life into his men as he could," and Lords Warton and Howard of Esrick had been imprisoned for presenting some petitions for peace to the King. But the time was come when even the spirit of Strafford was compelled to bow to the force of circumstances, and when he threatened to shoot those noblemen at the head of the army, as movers of sedition, the Marquis Hamilton made him shrink from his purpose, by the home question "My lord, are you sure of that army?" Had execution been attempted upon those peers, says Burnet, very probably a total revolt would have followed. The threat, however, could only have been the hasty ebullition of a temper which Clarendon admits had become so "marvellously provoked and inflamed," that he treated both officers and soldiers so harshly as to render them "more enraged against himself than against the enemy." All came in for a share of his impotent abuse. He told the gentry of Yorkshire they were "no better than beasts," if they refused to support the King; yet, contrary to the Earl's command, they persisted in petitioning for a Parliament and peace.† The city of London addressed the King in a similar manner, though the whole Council asked the Lord Mayor "to stop the intended petition;" and a similar petition,

* Rushworth, III. 1255.

† Ibid. III. 1235—1265; Clarendon's History of the Rebellion, I. Book 2.

signed by twelve of the chief peers of England, was delivered at the same time (Sept. 12) into the King's hands.

No extraordinary ingenuity is required to discern the cause of the repugnance of Laud and Strafford to summon a Parliament; the voice of all England was against their measures, and they have left on record their inward misgivings that their safety would be jeopardised by the success of the popular outcry. Their last hope of escape from the dreaded Parliament now rested upon summoning a Council of Peers—a course determined upon before the public voice had been raised for a Parliament, for the Secretary of State of Scotland stated that:—"For the more mature deliberation of the weighty affairs, his Majesty hath already (Sept. 5) given out summons for the meeting of the Peers of this kingdom in the city of York, the 24th day of this month."* If that Council would have granted subsidies, as was suggested, no Parliament would have been summoned, though we believe Charles expressed no more nor less than truth when he wrote, "I have always thought the right way of Parliaments most safe for my Crown, as best pleasing to my people,"† but in this, as in most other determinations of vital importance, he yielded to the worse natures and suggestions of others.

The writs summoning the Peers to this great Council

* Rushworth, III. 1256. This was not strictly correct. The determination to summon the Council might have been passed, but the writs were dated September 7. It had been recommended by the Privy Council at a meeting in London, September 2, being advocated by Laud and others.—*Hardwicke State Papers*, II. 168.

† Eikon Basilike, I.

were couched in terms the most urgent, forbidding all excuse, and setting forth that the subjects for discussion involved the honour and privileges of the sovereign as well as the tranquillity of the realm. Such a summons to a distant county where the facilities for travelling were but few, was a hardship which might have justified many excuses; but to the honour of our nobility but few of such excuses were preferred.

The Earl of Clare, one of the Peers whose name Lord Savile forged to the Scots' invitation, wrote thus upon the receipt of his summons.

TO THE RIGHT HONOURABLE THE LORD FAIRFAX, AT HIS HOUSE IN YORK, OR (IN HIS ABSENCE) TO MRS. FAIRFAX, HIS DAUGHTER-IN-LAW.

My Lord,

I am but new come to town this day to see my poor wife, and comfort her in her affliction for the loss of one of our children, and yet I must hurry back as fast as I can, being summoned by writ to attend his Majesty at York on the 24th of this present, when all the lords are enjoined to be there. And thereby doubting lodging may be scant, I must be an earnest suitor unto you to help to furnish me with one, and with a stable, and (if it may be with your lordship's conveniency, that you will) please to help my Lord North with one in the same house, or near, we desiring to quarter together for those few days of our stay there; who required me to use my credit with your lordship

herein. For the stable, if your lordship will do me the favour to speak to my cousin Wroughton, the Knight Harbinger, in my name, I am confident he will give me a cast of his office; so with my service to my sister and brother, I rest in haste

Your lordship's very affectionate kinsman
and servant,
CLARE.*

London, the 15th of September, 1640.

Lord Clare was not detained long from his family, for, being deputed with five other Peers to negociate a loan to meet the immediate necessities of the King, he proceeded to London on the 26th of the same month. This legal and business-like mode of proceeding differed widely from that which had hitherto been pursued by the royal advisers, and which it was hoped might be continued; for the Peers agreed "to join with his Majesty in any security," the citizens advancing the money which might be required.† There was no difficulty in thus raising the 200,000*l.* so pressingly needed.

It is quite certain that the summoning a great Council of the Peers was an unusual exercise of the prerogative of the Crown, but it is equally certain that Clarendon is wrong in considering it "a new invention," though he is correct when, (contradicting himself,) he adds, that some centuries had elapsed since such a Council had been assembled. Every member of the Peerage is an

* This is the Lord Houghton mentioned in a former note. He had succeeded to the Earldom of Clare in 1637, on the death of his father.

† Rushworth, III. 1302.

hereditary councillor of the King, and may be summoned by him to give advice at any time of need. No greater need of assistance and advice had ever occurred to Charles than at that time; not a fortnight's amount of pay for his troops remained in the Exchequer; forced loans, and illegal imposts had been tried and had failed; the merchants would not aid him or his unpopular "Cabinet Ministers;" and there was no time for summoning a new Parliament.* Added to this the Scotch army was before him, whilst his own was ill-paid, ill-armed, and mutinous. It may be that his advisers hoped, and Clarendon says it was proposed by one of them, that this Council would grant subsidies, and that the necessity for a Parliament might thus be avoided; but this hope must have been abandoned before the great Council had assembled, otherwise most ill-advisedly in the first sentences of his opening address the King told them—"I have of myself resolved to call a Parliament, and already given order for issuing the writs instantly."

There was no need, therefore, for the Peers to provide for more than immediate necessities, leaving the rest for Parliament to arrange, and the loan they resolved to raise has been already noticed. Indeed he asked for no more, if there were any honesty in these words—"How shall my army be kept on foot

* The term "Cabinet Council" was first employed at this period, and as a term of reproach by the Courtiers who were dissatisfied and envious of the six Peers who were exclusively summoned into the King's private room or "Cabinet" to advise upon affairs of importance. These six were the Archbishop of Canterbury, Strafford, Cottington, Northumberland, Hamilton, and the Bishop of London. The two secretaries were Sir Henry Vane and Sir Francis Windebanke.—*Clarendon's History*, I. 117.

and maintained until the supplies of a Parliament may be had?"

The only other point on which Charles said he required advice, was with respect to the "answer to be given to the petition of the rebels, and in what manner to treat with them?" * And to this the Peers at once replied, "That certain of themselves should be sent as commissioners to treat with commissioners on the part of the Scotch." But so determined was the resolution to conclude peace with them, that an order for the disbanding of at least one regiment was issued that day. It is true that it was a Yorkshire regiment, and might most easily of any be reassembled, still it was an indication that could not be without its effect upon the Scotch negociators.†

Sixteen peers were named as Commissioners, and

* Rushworth, III. 1275.

† The regiment which was directed to be disbanded was that of Lord Fairfax, and the following was the order for it:—

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, THESE BE DELIVERED.

AFTER my hearty commendations unto your lordship: forasmuch as His Majesty hath been graciously pleased upon the treaty, which is now begun for the accommodation of the war, to signify unto you that his pleasure is that most of the armed Trained Bands of this county shall be disbanded; these are therefore to require you forthwith upon sight hereof, to march with your regiment to some convenient place within the limit where your soldiers inhabit, and there to draw your regiment together, and to let them understand that His Majesty's pleasure is, that they shall disband and return to their houses, but withall, that for the common safety of themselves and the country, they are upon an hour's warning to be ready and in arms to attend such service as upon occasion shall be requisite; and for such money as you have received wherewith to pay the officers and soldiers further than the time of their disbanding, you are to presently repay the same. Not doubting, I rest,

Your very loving friend,

STRAFFORD.

York, this 25th September, 1640.

how much even the great Council were in favour of peace, and opposed to the despotic measures of the Court, is evident when we observe, that of those sixteen, nine had signed the petition for calling a Parliament, and the other seven, Lords Salisbury, Holland, Berkshire, Wharton, Paulet, Savile, and Dunsmore, were known enemies of Strafford, and friendly to the Scottish claims.*

York and Northallerton were both suggested as the place of meeting, but it was finally fixed to be at Ripon, and the negociations commenced there on the 1st of October, the Scotch Commissioners being the Earl of Dunfermline, Lord Loudon, Sir Patrick Hepburn, Sir William Douglas, Mr. John Smith, Mr. Alexander Wedderburn, Mr. Alexander Henderson, and Mr. Archibald Johnston.†

The uncompromising tone adopted by the Scotch in their demands, and the manner in which the English Commissioners yielded to everything required of them, would point out, in the absence of all other evidence,

* The Commissioners besides those above-named, were the Earls of Bedford, Hertford, Essex, Warwick, Bristol, Viscount Mandeville, and Lords Paget, Brook, and Howard. Associated with them, as acquainted with Scotch affairs, were the Earls of Traquair, Morton, and Lanerick; with Sirs H. Vane, Lewis Steward, and John Burrough.

† We have noticed that the Scotch had been encouraged to invade England by a letter, purporting to be signed by several English peers. Some of these, and among them Lord Mandeville, were now Commissioners, and were treated with much coldness by the representatives of Scotland at this meeting. Lord Mandeville required from the Earl of Rothes an explanation of this demeanour. The latter at once charged him and the other noblemen with breach of faith, in not affording the co-operation they had promised. The forgeries and imposture were then detected; but it appears that the signatures were so admirably imitated that the lords acknowledged they could not have denied them if appended to a paper they had before attested.—*Burnet's Memoirs of the Dukes of Hamilton*, 165.

that the one were conscious of weakness and the other of power. Before they would enter upon any terms of treaty, the Scotch demanded subsistence for their army. This was no petition, but the demand was sustained by arguments such as these:—"Our army was stayed in its march by his Majesty's special command, or before this time it would have been either better provided or further advanced in its petition and intention. In hope of provision being made by treaty, it has been kept from taking such ways and using such means as might serve for its necessary maintenance. And now, necessary allowance being denied to our army, we take ourselves to the papists and prelates with their adherents, our professed enemies."

Threats like these, accompanied also by a denunciation of Strafford, as "a chief incendiary," were sufficient to justify a stern retort, and even a conclusion of the negociation; but the English Commissioners felt themselves to be powerless and bowed before the contumely. Two proud spirits alone resented such pretensions and reproach—Strafford, and Edward, usually known as "the black Lord Herbert." The latter indignantly spurned the Scotch proposals, declared that "never Prince bought a treaty of his subjects at so dear a rate;" and advised an appeal to arms and the fortification of York, rather than submit to a payment, which was only, after all, to induce the Scotch to enter on a treaty which "might quickly dissolve and come to nothing."*

* Rushworth, III. 1294. It appears that the Duke of Albemarle, then only Colonel Monk, was also in favour of fighting the Scotch. He had been very instrumental in saving the cannon and covering the retreat at Newbourn.—*Skinner's Life of General Monk*, 18.

Strafford even went further, and assured Laud in these words, that "if the King would but speak the word, I will make the Scots go hence faster than they came. I would answer for it on my life; but the instructions must come from another than me." Clarendon was misinformed when he stated that Strafford actually ordered an attack upon one of the enemy's outposts, which was so successful that all the Scotch officers were taken prisoners, and that General Leslie complained of this as an outrage, as the Commissioners were negociating. Though no assent had been given to a cessation of hostilities, the King strictly commanded that no such expeditions should be repeated.*

The blame of this ill-timed skirmish rested entirely on the Scotch detachment which was captured. Sir William Douglas left Durham contrary to orders, took with him a troop of horse, and crossing the river Tees, made a recognisance of the adjoining part of the county of York. Taking up his quarters in a village, "and swaggering without a sentinel," he was surprised by a troop of our horse under a Major Smith, as related by Clarendon. This is Baillie's, the Scotch advocate's, own account of the incident; and we are assured that it is true, because the Scotch Commissioners amidst all their direct charges against the Earl merely venture to say, "his under-officers can tell who it was that gave them commission to draw near in arms beyond the Tees, in the time of the treaty of Ripon."

* Clarendon's History, I. 125; Baillie's Letters, &c. by Laing, I. 261; Speeches, &c., at this Great Parliament, 524. The fullest account of this skirmish is in the Hardwicke State Papers, II. 183. The Scotch were plundering the house of a Mr. Pudsey when they were surprised.

All this, however, was in strong contrast to Stafford's statement to the Council of Peers, for he told them, "That it was not possible to keep the counties of Cumberland and Westmoreland out of the Scottish power, whenever they pleased to invade them; and Newcastle, he said, could not be recaptured that winter, even if the King had an army of 100,000 men. If the winter did not present difficulties, nothing else could hinder the Scotch army pressing forward into England, and they must have York yielded to them, for there was no intervening position suitable for giving them battle." But this was not all, "for," added the Earl, "although his Majesty's army consists of very good bodies of men, yet for want of use of their arms, it is not fit to rely upon them, especially where so much would be hazarded, and so little to be gained." *

This opinion was conclusive, and certainly justifies the adoption of the treaty of Ripon, which stands upon our records as the most humiliating to which the sovereign power of England has ever been compelled to submit. The war was undertaken by the King, in defiance of the wishes of England, to subjugate the consciences of the people of Scotland, but the army with which they repelled the oppression was now to be supported by the oppressor. The counties of Northumberland,

* Rushworth, III. 1309. They were to be distrusted for other reasons than their want of discipline: "The hearts of all might be seen averse from this unjust war. The very pages of the Court could not be made to hold their daily gibing of our (the Scotch) fugitives in their faces, as traitors to their country. The Trained Bands gave it out peremptorily that they were not obliged to follow the King beyond the county, and that they were resolved not to pass beyond their obligation." These are the words of Baillie, who was then with the Scotch army, and well informed of the doings in the English camp.

Durham, Cumberland, and Westmoreland, were ceded to them as securities for the payment of 850*l.* daily, until peace was concluded; and after all, only a cessation of hostilities, signed on the 26th of October, was the result, the further consideration of the treaty being adjourned to London.

Sir James Turner, a mercenary soldier, who joined the Scotch forces at this juncture, says,—"I found this success had elevated the minds of my countrymen to such a height of vanity, that most of them thought, and many said, 'they should quickly make a full conquest of England;'" and honest Baillie, who had not been much conversant with this world's riches, giving vent to a mingled feeling of astonishment and pleasure, exclaims, "The sum of 300,000*l.*,—5,408,000 marks, Scots! is a pretty sum in our land, beside the 1,800,000 marks for our army these last four months, and 25,000*l.* sterling for the fifth month coming! Yet the hearty giving of it to us, as to their brethren, refreshed us as much as the money itself!"*

It had been proposed, during the negociation, that it should be adjourned to York; but the wary Scots knew that they should gain nothing by that adjournment, for the English Commissioners were sufficiently friendly, and their own Commissioners might be softened by a more intimate communion with the Court; they, therefore, declined placing themselves within such influences, but readily acquiesced in the adjournment of the negociation to London, where they knew they should have a friendly majority in the Parliament; and it is not improbable that the delay that would be thus occasioned

* Baillie's Letters and Journals.

was not so much objected to, now that 25,000*l.* per month was agreed to be paid to their troops. Nothing can be more confirmatory of the truth, intimated by other circumstances, that the English Commissioners were friendly to the success of the Scotch claims, than that they were unanimous in advising this transfer of the negociation to London. Clarendon, the King's Advocate, styles it, "the most confounding error," and so indeed it was, to those who thought Episcopacy should be established by the matchlock and pike. It strengthened the hands of the Scotch advocates, because they were thus enabled to plead their cause with those who had power, and to disabuse the minds of the public from prejudices by their sermons, for "the people resorted thither in incredible numbers,"* and their cause was simple, clear, and unrefutable. The King had signed articles of pacification, refused to ratify them, and then, a second time, despite the opposition of the Parliaments of both kingdoms, and even although the Parliament of England withheld supplies, had raised an army for no other purpose than to force Episcopacy upon Scotland. That country, be it remembered, was then an independent kingdom, having its own Assembly of Divines, and its own Parliament, and the King's proceedings were in direct opposition to the votes of those deliberate bodies. It so happened that the crowns of England and of Scotland had descended upon the same head; but this was no justification for his arming the subjects of one nation to coerce the consciences of the other; and though the Scotch sought and obtained aid from France and other European governments, to resist the injustice,

* Clarendon's History, I. 129.

yet Charles had no right to complain, for he had similarly aided the French Protestants in their struggle against their sovereign.* The Scotch, moreover, sought nothing but security for the quiet enjoyment of their religion and liberties, confirmed and secured by the sanction of Parliament, and when this was obtained, according to the very words of their proclamation on entering England, their return was "with expedition, peaceably and orderly."†

* Holland, irritated at Charles's aiding the Spaniards, Denmark similarly dissatisfied as to his conduct during the war with the Emperor, and Sweden for a like reason,—all were willing to aid the Covenanters.—*Baillie's Letters, by Laing*, I. 191—2.

† Rushworth, III. 291, Appendix.

CHAPTER II.

Parliamentary Elections—Ferdinando Fairfax, Member for Yorkshire—Court interest unavailing—Lenthall chosen Speaker—Clarendon's opinion of him—Opening of "The Long Parliament"—King's Speech—Lord Keeper's Address—Committees appointed—Hyde then a Reformer—Cromwell's second appearance in Parliament—Quarrels with Hyde—Star Chamber and Commission Court tyranny exposed—Reforms effected—Letter of Ferdinando Fairfax—Death of Lord Fairfax—His family—Dispute as to his property—Dr. Wren drives weavers out of Norfolk—Censure passed on him and other dignitaries—Bill for Triennial Parliaments passed—Proceedings against Strafford—Desired to be absent from Parliament—Resolves to impeach some of the Commons—Arrives in London—Impeached immediately—Pym's speech to the Peers—Arrest of Strafford—Committed to the Tower—Injustice of the Commons—Strafford's high spirit—Letter to his wife.

DURING the negociations at Ripon the elections for members to serve in the Parliament, summoned to meet on November the 3rd, were progressing. Laud was warned to appoint some other day for its assembly, because the Parliament which met for the first time on that day in Henry the Eighth's reign ruined Cardinal Wolsey, and suppressed the monasteries.* But, for once, the Archbishop was regardless of an omen: he foresaw that the storm must burst upon him, the Parliament must meet, and he cared not to postpone it for a few hours. The elections were fiercely contested throughout England; but the spirit of reform was roused, and the returns gave a majority fatal to the despotic government of Charles.

* Whitelocke's Memorials, 37.

Ferdinando Lord Fairfax was returned as a representative of Yorkshire, in defiance of the presence of the King and all the Strafford interest; and the fact being made known that the royalists wished the Recorder of London, Sir Thomas Gardiner, to be Speaker, was quite sufficient to exclude him from the representation of that City. He was in every respect suited to preside over the House of Commons, being a sound lawyer, firm of purpose, and "with somewhat of authority and gracefulness in his person and presence;" but he was an uncompromising royalist, and that alone was sufficient to exclude him from the Parliament altogether. He was rejected not only by the citizens of London, but by the burgesses of one or two other places, where he came forward with the Court interest.*

When the 3rd of November arrived, the King received intelligence that Sir T. Gardiner was not returned a member of the Parliament, "so his Majesty deferred going to the House till the afternoon, by which time he was to think of another Speaker." This royal selection of a President for the House of Commons seems strange, as contrasted with the modern freedom of its proceedings, but was then submitted to apparently as a time-honoured practice. Charles himself selected William Lenthall for the Speakership, a bencher of Lincoln's Inn, but who had no parliamentary experience beyond that of the "Short Parliament" of the same year, in which he sat, as now, a representative of Woodstock. "With very great difficulty he was prevailed with, rather than

* Clarendon's History, I. 135. Three years subsequently the King made him Solicitor General, in the room of Mr. St. John, and subsequently his Attorney General.

persuaded," to accept this office, though his adversaries say he "hungered after riches," and the salary attached to the Speakership was then 2000*l.* a-year.*

Clarendon records as his opinion, that a worse selection could not have been made, for that he was without courage or dignity of nature; but the acts of his public life refute this condemnation. Whether it was in opposing the erratic efforts of the King, the army, or the branch of the legislature over which he presided, he usually acted with firmness and consistency; and when he diverged from that line, (which we, sitting beyond the verge of those times of difficulty, may clearly see he might have trod more beneficially,) let us remember that greater men than he of all parties failed in a similar manner. He was always in favour of moderate measures, and such was his acknowledged integrity that all parties protected and promoted him.

Having decided upon selecting him for the Speakership, the King proceeded to open the Parliament, and even in this initiatory step it was apparent that the lofty spirit of the royalists was broken. At the opening of former Parliaments, Charles had traversed the intervening street and park on horseback, amid the acclamations of thousands, and attended by all the panoply of a Court. But it was not so now; for he went in an unadorned boat from Whitehall to Westminster, accompanied only by a few state officers, including his infamous Lord Keeper, Finch; thus shunning the multitude, for their

* Wood's Athenæ Oxon., II. 307; Clarendon's History, I. 136. It must have been known that he was opposed to the Court measures; for he had been Chairman of the whole House, and had refused to contribute anything to the expedition against the Scots.—*Nalson's Collections*, I. 203, 341.

murmurs began to rise against "the delinquents." The members of the House of Commons, too, were known to be nerved to sterner resolves than when they last met. Oliver St. John's prophecy had been accomplished; worse had been done, more arbitrary measures had been adopted, and now all were immoveably determined not only to shake off the oppression, but to provide against its recurrence: "men who, six months before, were observed to be of very moderate tempers, and to wish that gentle remedies might be applied, talked now in another dialect both of things and persons."*

The King's opening address was too conciliatory to please Clarendon, who thought there was "too little majesty" in it; but it was far more to the purpose than that which followed from the Lord Keeper, and would have been politic in every particular, if he had not persisted in designating the Scotch as "rebels," and in asking for aid to "chase them out," when their Commissioners were actually on their route to London, and we have seen that he was treating with them for peace.† The removal of the Scotch army, and the consequent relief of our northern counties, he pointed out as of pre-eminent importance, and then the removal of grievances; but, concluded his Majesty, "I freely and willingly leave it to you where to begin. Only one thing more I desire of you, as one of the greatest means to make this a happy Parliament,—that you on your parts,

* Clarendon's History, I. 136.

† As in most other cases, Charles saw his error when too late, and made this half apology two days after—"I told you the Rebels must be put out of this kingdom, and must needs call them so as long as they invade us, though I am under treaty with them, and under my Great Seal do call them my subjects; for so they are too."—*Parl. Hist.* IX. 72.

as I on mine, lay aside all suspicion one of another." * And it would have been a happy contingency for his Majesty could this have been effected; but it is hard for the oppressed to know how far to trust their oppressor when rescuing their liberties, and still harder for the wielders of despotic power to forgive those who have circumscribed its exercise. John abjured Magna Charta, and Charles had denied his assent to the Petition of Right.

The Lord Keeper was particularly unfortunate in his topics. He praised the King's "moderation in great affairs;" recommended the Queen's favour to be cultivated, because none other could "co-operate more to the happy success of Parliament;" and then commended the nobility for not "overtopping the people;" and all this was addressed to men enraged at the King's oppressive and illegal imposts, at the Queen for her support of the papal religion, and at Laud, Strafford, and the Lord Keeper himself, for their domineering courses and contempt for the liberties of the people.

So great was the dread of papal power, and so intense was the desire of opposition to its further advance in England, that one of the first measures of the House of Commons, after appointing committees to examine into matters of religion, grievances, courts of justice, trade, and Irish affairs, was to appoint another to see that every member received the sacrament "on the next Lord's day, and to take care that no Papist sat in the House," to ascertain their numbers near London, and how they were armed. This appears to have been no needless inquiry, for on the same day the King issued

* Parl. Hist. IX. 58.

a proclamation, commanding them to depart and to be disarmed; and there is some evidence of a plot then in agitation, probably connected with that frightful massacre of Protestants which so soon after took place in Ireland, and glimpses of which are to be found in Rushworth and other contemporary authorities.*

Foremost in the rank of reformers was Mr. Edward Hyde, afterwards Earl of Clarendon, and, to use his own phrase, he was "the greatest (most frequent) chairman in the committees of the greatest moment." He presided over the committees to inquire into the oppressions of the Earl Marshal's court, the courts of the Lord President of the North, and the Welch Marches; the committees for examining into "the miscarriages of the judges in the case of Ship-money;" that of the whole House "for the extirpation of Episcopacy," besides many others to examine into private complaints. In one of these last, the future Protector appeared for the second time as a member of our senate. He had been returned as one of the representatives of Cambridge, and was nominated as member of a committee of which Mr. Hyde was chairman. This committee was directed to examine whether the copyholders within one of the Queen's manors had any cause for complaining of the inclosure of part of the waste without their consent. The lands inclosed had passed by purchase to the Earl of Manchester, then Keeper of the Privy Seal, and his son, Lord Mandeville, attended before the committee as a party interested. Cromwell "appeared much concerned to countenance the petitioners and their witnesses," and directed their course of proceeding, which

* Rushworth, III. 1310; Nalson, I. 467, &c.

does not quite accord with our notions of the line of propriety to be observed by one presiding as a judge. "He had never before been heard to speak in the House of Commons, but he now enlarged upon and supported what the witnesses said with great passion." These, as well as the petitioners, being rude and illiterate, clamorously interrupted the proceedings in support of the Earl's title to the inclosure, and so unruly did they become, that Mr. Hyde, as chairman, had to use some sternness and threats of committal before they could be reduced to order. This excited Cromwell's wrath, and he was more exasperated when other members of the committee acquitted Mr. Hyde of any unnecessary or partial interference. "In the end," says Mr. Hyde, who, we must remember, is the relater of his own case, "his whole carriage was so tempestuous, and his behaviour so insolent, that the chairman found himself obliged to reprehend him, and to tell him that if he proceeded thus, he would presently adjourn the committee, and the next morning complain to the House of him; which he never forgave." *

When the oppressions which had been brought upon the people during the few years of the Stuart dynasty were gathered together by the various committees, they formed a mass of varied suffering to be paralleled in no other period of English history.

The ruin, together with the cruelty, inflicted by the Star Chamber and other illegal courts, by branding and mutilating in order to frighten into silence the expression of public opinion, upon subjects dearest to

* Clarendon's Autobiography, 40. Cromwell had spoken in the House before. See I. p. 180.

Englishmen, were not confined to the notorious instances of Prynne, Bastwick, and Burton. These three, in particular, it is true, made men start and gaze upon each other to think that such things were inflicted and endured, but the feelings chronicled by a contemporary, in the following passage, were not limited to those sufferers :— "It seemed to many gentlemen, I remember, and was accordingly discoursed of, a spectacle no less strange than sad, to see three of several professions, the noblest in the kingdom, divinity, law, and physic, exposed at one time to such an ignominious punishment, decreed by Protestant magistrates, for such tenets in religion as the greatest part of Protestants in England held, and all the Reformed Churches in Europe maintained." * In our days no condemnation of the Ecclesiastical Courts would be considered too strong, but then a gentleman was fined 300*l.* for saying that knaves practised in them, and "the law thereof was cruel law;" another party was fined 3000*l.* for advising his friends not to advance money to the Crown, unless sanctioned by Parliament; a third was fined 5000*l.* for saying "the King went to mass with the Queen." Sir Walter Long, an opponent of the Court, High Sheriff of Wiltshire, being elected a representative of Bath, was committed to the Tower during his Majesty's pleasure, and fined 2000 marks for attending to his Parliamentary duties; Dr. Leighton for writing against Episcopacy was degraded, branded in the face, fined 10,000*l.*, pilloried, whipped, and had his nose and ears mutilated; Mr. Ewer for saying that the Earl of Danby was a base lord, was mulcted 2000*l.*, and another opponent of the Court for expressing

* May's Long Parliament, 79.

himself in a similar manner of the Earl of Suffolk, was fined 8000*l.*; Mr. Palmer for not residing in his country-house, but remaining in London, was committed to the Fleet, and was compelled to pay 1000*l.* as a fine;* Mr. Bowyer for charging Laud with popish tendencies was fined 3000*l.*, branded on the forehead, and had his ears nailed to the pillory; Sir David Fowlis for speaking disrespectfully of the Earl of Strafford was fined 5000*l.* and committed to prison during the King's pleasure; Mr. Apsley for abuse of the King's general, the Earl of Northumberland, was similarly persecuted; for opposing an enlargement of the Duchy Wood of Braydon, other gentlemen were mulcted to the amount of more than 3000*l.*; and for selling saltpetre contrary to a proclamation, one Hillyard was fined 5000*l.* These are only some examples of the varied forms in which tyranny and extortion were visited upon the people. But the passive despotism was as intolerable; for men displeasing to the royalists were summoned upon frivolous charges to appear in some one of the courts, and there kept from year to year without their case being brought to a hearing. Numerous letters are to be found among the Fairfax MSS. showing that that family was thus annoyed, and even Mr. Bagshaw, a supporter of Charles said "My soul has bled for the wrong pressures I have observed done by the High Commission and other Ecclesiastical Courts, against the King's good people. I have some reason to know this, who have been an attendant on the court these five years for myself and a dear friend of mine, formerly knight of our shire

* He was only one of 167 similarly proceeded against.—*Rushworth*, III. 144.

(Surrey), for a mere trivial business, that of putting on his hat during a sermon."*

No less than forty committees were appointed to inquire into the validity of the complaints which flowed in, and to suggest reparation and remedies for them. Prynne, Bastwick, Burton, Lilburne, and Leighton, were released, and recompensed so far as money could recompense them for their sufferings ;† the judgment against Hampden was reversed, and Ship-money voted to be illegal; the proceedings in Ireland against Lords Dillon, Ely, Kildare, and Mountnorris, were reversed; the clergy in convocation were declared to possess no power unless by consent of Parliament; the Courts of High Commission, Star Chamber, of the North, of Wales, and of the Counties Palatine were abolished; all arbitrary levies on merchandise were repealed; compulsory knighthood was forbidden ; monopolies were recalled, and the power of the Crown to grant them taken away, and then the House of Commons directed its stern regard towards those who had induced so much evil, and rendered these remedial measures necessary. Some of the authors of the evil selected for punishment are mentioned in the following letter from Ferdinando, Lord Fairfax, to his brother Henry.

* Nalson's Collections, I. 498.

† Writing on December 2, 1840, Baillie says, "On Saturday Burton and Prynne came through most of the city triumphantly ; never here such a show ; about 1000 horses, above 100 coaches, with a world of foot, every one with a rosemary branch. Bastwick is not come yet from Scilly (where he was confined). This galled the bishops exceedingly."—*Letters, &c.* I. 277.

TO MY VERY LOVING BROTHER, MR. HENRY FAIRFAX, AT ASHTON-UNDER-LINE, THESE.

GOOD BROTHER,

I RECEIVED your letter, dated the 10th of this instant, and am sorry to find in it the continuance of your former complaint. As I am grieved to be thought the occasion among some friends you write of, so should I be glad to satisfy my own conscience and yourself of doing what is fit, leaving them to their own ways whom I hold myself no ways bound to please, how inquisitive soever they be. Your last demands and my sister's, at Popleton, were of that extent, claiming a third part of my father's personal estate, as I must entreat your excuse that I yield not unto. His will, his speeches, and his servants about him can witness his full intention. I need not now write them unto you. Sir Hugh Cholmeley was with me, who requires the same, and told me that Serjeant Glanvill's opinion, upon perusal of the will, was that a third part was due. I told him the opinion of Sir John Bankes upon the like, stating the case was contrary, because I had neither the copy of the will, nor that resolution here. I writ to Mr. Clapham for them, who returned answer, he had them not. Then I perceived they were in such a place as I could not employ any to seek for them, but must rest till my coming home. If the way of suit must be pursued as the means to satisfy your friends, I shall neither make it by my own delays tedious, nor lessen my affections to you, in so seeking what is conceived your right; if otherwise, I shall desire to know what your demands are, and I shall then signify what I will grant, which shall

as freely come to you and yours as the mediation of any friends can work me unto.*

* The following notice of Lord Fairfax, whose will was thus in dispute, is from a MS. by his nephew, Brian Fairfax :—

Thomas Lord Fairfax, of Denton, Baron of Cameron, married Ellen, daughter of Robert Ask, Esq., by Elizabeth, daughter of Sir John Dawney, Knight, whose mother was daughter of the Lord Latimer ; and her great grandfather Ask was son of Sir Robert, by Elizabeth, the daughter of John Lord Clifford. Their children were — first, Ferdinando Lord Fairfax ; second, Henry ; the third that had issue was Charles of Menston. Those which died were Henry and Charles, twins, and Mary, all infants. All the rest lived to be men, viz.

William Fairfax, a captain in the Palatinate, where he was slain in the defence of the city of Frankendale, with his brother John. His picture is at Denton, with one eye.†

John Fairfax, slain at Frankendale.

Peregrine, slain in France, in defence of Rochelle.

Dorothy, married to Sir William Constable, Bart., sans issue.

Anne, to Sir George Wentworth, of Woolley, Knight, by whom he had issue, Michael, who died sans issue.

All the said younger sons, except Henry and Charles, died without issue.

This Thomas, first Lord Fairfax, of Denton, was knighted before Roan, in Normandy, by the Earl of Essex, the Queen's (Elizabeth) General of the English. Created Baron of Cameron,‡ in Scotland, 3 Car. I. ; married 25 Eliz. Sent by Queen Elizabeth to King James into Scotland ; wrote several books, viz.

1. A Discourse, containing about 150 pages, in a large 4to, which he intituled "Dangers Detected, or the Highway to Heidelburgh ;" the argument being the present state of Christendom ; the generally received opinion (that our differences in religion is the cause of these intestine wars) is erroneous ; the ambition of Spain, her aiming at a fifth monarchy is the occasion and ground ; how the estate of Spain has grown in few years from a mole-hill to a mountain, and by what means ; how it enlargeth itself daily, and what we do or may suffer in the same ; how we may exchange our passive part to their active ; and lastly, how an equality may bring a concord, which is never permanent in disproportions.

2. Conjectures about Horsemanship ; What Lessons the Breed of each kingdom or country is fittest for ; Helps and Corrections ; Pillars of each Sort ; The Art of Riding ; The Groom's Office ; How to back the Colt first in the Field ; What shall be done when the Colt will be led with a Man upon him ; What to be done when he can (with the helps there directed) go forward, stop, and turn ; Of

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* The will is printed in the Appendix to this volume.

† For this picture's sake Prince Rupert forbade the plundering and demolishing of Denton Hall in 1644.

‡ Cameron is a village in Fife.

This bearer's haste will not suffer me to write anything of Parliament business. The Earl of Strafford has not yet answered his charge; my Lord of Canterbury where he was, and his charge not ready; nor the other bishops, Wren and Piers. Judge Berkley was arrested on Friday last, of treason, for perverting the laws, and in the Sheriff of London's custody. The Bill of Subsidies, and the Trienian Parliaments, we hope will this day pass: our business great and many, which make our pace through them very slow. I pray you remember my best affections to my sister, resting

Your very loving brother,

FER. FAIRFAX.

Westminster, 16th of Feb. 1640 (N.S. 1641).

Dr. Wren was Bishop of Norwich, and having in his diocese many weavers, Puritans, who had sought refuge there from papal persecution in Flanders, he so enforced

Several Rings in the Field; Of the Carriers; Lesson Serpentine; Fittest Grounds for Exercise; How to be Taught at Single Pillar; And the Manage in encounters, &c.

3. A small piece of "Militia for Yorkshire."

4. A Larger Tract of the Yorkshire Cavalry; And against Horse Races.

5. Of the Militia of Durham, (writ at the then Bishop Neal's request).

6. Orders for the House; And Remembrances for Servants in Great Entertainments.

7. Prayers composed by him, writ with his own hand, and many excellent Verses upon several subjects, in loose papers: In nomen Desideratissimi Præcharissimiq. Fratris mei, Ferdinandi Domini Fairfax, nuper in Partibus Borealibus Polemarchi Ducisq. Generalissimi, which prove him both a soldier and a scholar.

He built Denton, and died there, May 1, anno 1640, aged 80, and was buried at Otley. His Lady, Ellen, died 1620. They were both buried together.

Il n'avoit laissé passer aucune occasion de servir son patrie en les gueres; et durant la paix, sans ambition, et sans avarice, mesprisant les vanités de la Cour, se retiroit chez-soi, (à Denton), fort visité de ses amis, et prenant grand plaisir a nourrir et dresser des chevaux.—*La vie de Mons. de Plessis.*

upon them religious ceremonies and observances, that they once more emigrated, to the great injury of our clothiery trade and commerce. This "showing himself forward in formalities and outward ceremonies" was quite sufficient to bring down upon him the wrath of the prevailing popular power, and he was consequently subjected to the enormous bail of three sureties of 10,000*l.* each, and his own recognisance of 30,000*l.** Dr. Piers, Bishop of Bath and Wells, had similarly inclined to the Puseyism of his day, and was similarly censured for his "great pride and insolence." That he could not have expected to escape from the resentment of those now in power, we may be assured, from the fact that he had forbidden one of his clergy even to be a visitor in the house of Mr. Pym, because the latter was "a Parliamenteer" and "a Puritan."†

Mr. Justice Berkley was not the only judge upon whom the wrath of the Parliament was visited, for their unworthy conduct in the case of Ship-money; for Lord Chief Justice Bramston, Chief Baron Davenport, Barons Trevor and Weston, and Mr. Justice Crawley, were all compelled to enter into recognisances of 10,000*l.* each, "to abide the judgment of Parliament."‡

* May's Long Parliament, 82; Clarendon, II. 74. The latter says that Dr. Wren was learned, severe, and sour, I. 83.

† Speeches, &c. of this Great Parliament, 320; Clarendon, I. 162. For their votes in Convocation, after the last Parliament was dissolved, Dr. Wren was fined 5000*l.*, and Dr. Piers and others somewhat less. Laud had to pay 20,000*l.*, and Dr. Neile, Archbishop of York, 10,000*l.*

‡ Parl. Hist. IX. 89. Sir Robert Berkley was removed from being a Judge of the King's Bench a few weeks after.—*Whitelocke's Memorials*, 39. He appears to have been especially selected by the House of Commons for punishment. They impeached him of High Treason; and, by command of the House of Lords, he was arrested, whilst on the Bench, by the Usher of the Black Rod, "which struck a great terror into the rest of his brethren, then sitting in Westminster Hall, and in all his profession."—*Ibid.* 40.

The bill to secure the summoning a Parliament once in three years, though its preamble declares it "ought to be holden at least once every year," received the royal assent on the day anticipated by Lord Fairfax, as well as the grant of four subsidies to the King. Charles personally attended to give his assent, truly observing of the Triennial Act, "that never bill passed in that House of more favour to his subjects;" and, with a proper sense of its importance, it was received; for not only did both Houses address to him their special thanks, but, as Baillie records, "it did fill the city with such joy, that they required permission, and obtained it, to express their sense of it by ringing of all their bells, above 1000, and setting out their great bonfires."*

The great event of the period, however, was the trial of Strafford, for that of Laud was of secondary importance. This was not simply an arraignment under the Statute of Treasons; but the attendance of the House of Commons, together with commissioners from Scotland and from Ireland, at the trial, rendered it a momentous struggle between the people of three kingdoms and the representative of despotic government. It was a trial without parallel, observed an eye-witness, whether we consider the high nature of the charge, the pompous circumstances of the proceedings, its long duration, or the consequences inevitably attendant upon the condemnation of the Earl; indeed, "we can hardly call it the trial of the Earl of Strafford only; the King's affections towards his people and Parliament, the future success of this Parliament, and the hopes of three kingdoms depending upon it, were all tried, when Strafford was arraigned."†

* Letters and Journal, I. 301.

† May's Long Parliament, 87.

Strafford wisely would have shunned the fearfully unequal contest, but Charles wished for and commanded his attendance, which rendered still more unpardonable the ultimate abandonment of his servant in the hour of his extremest confidence and greatest need. But so it was; and the unembellished facts present us with a record of weakness and faithlessness, happily without parallel in English history.

Strafford foresaw the impending storm and wished to allow its violence to spend itself and pass over whilst he was distant. He pointed out that he should not be able to serve the King as a member of the Parliament, but that his presence would rather hinder the progress of the Session. By appearing in his place in the House he would only attract more attention, whilst by being at a distance he could better retire from danger, and in Ireland, or elsewhere, more effectually serve his master. The King was peremptory for his coming to London, telling him that his advice "on weighty matters" was indispensable, and "that as he was King of England, he was able to secure him from danger, and that Parliament should not touch one hair of his head." * Still the Earl hesitated, and it was not until a second urgent appeal from the King, that he departed from the dictate of his own judgment, and set forth to confront his enemies.

One rash resolve led to another still worse advised,

* Whitelocke's Memorials, 36. Rushworth and Nalson agree in stating that Strafford's friends urged him not to come to Parliament; but they are silent as to the King's contrary command; and Nalson says he came because "he had more of the oak than the willow in his heart." Strafford's friends anticipated, and forwarned him of the result when the House resolved itself into a committee on Irish affairs, November 6.—*Rushworth, Trial of Strafford*, 1.

and, like one who not contented with entering the lion's den must needs pluck him by the beard, he determined, on proofs recently obtained, to impeach the popular leaders of the Commons for holding intercourse with the Scots and exciting them to invasion. But his foes were wakeful and watchful, and the instant they saw him within the toils, they lost not an hour in making the casting throw.

Wearied, and broken down by disease, the Earl reached London on the 9th of November. Fever confined him to his couch throughout the following day, but on the 11th, with a cleared lobby and closed doors, and at the suggestion of Pym, the House of Commons resolved to impeach him of High Treason. In vain did messengers from the Peers seek for a conference on affairs of importance, for it was suggested they merely wished "to get intelligence of what was in hand;" in vain did members wish to retire; and in vain did Lord Faulkland, though no friend of Strafford, urge that such precipitancy ill became the justice and dignity of the House. He stood alone in pleading for procrastination. "The least delay," exclaimed Pym, "may blast everything. If the Earl talk but once with the King, we shall be dissolved: besides, this House only impeaches; it is not the judge; and, moreover, once committed to custody, he will no longer have access to the King."*

The wisdom of this promptitude soon became apparent; the message to the House of Lords had been prearranged, and though submitted to a committee of seven, "they presently returned," and the House

* Clarendon, I. 139.

directed Pym to carry up the impeachment to the Lords. Not a minute was lost, and "that ancient gentleman of great experience in Parliamentary affairs, and no less known fidelity to his country,"* thus announced to the Lords the startling message of which he was the bearer: "My lords—The knights, citizens, and burgesses, now assembled for the Commons in Parliament, have received information of divers traitorous designs and practices of a great Peer of this House, and by virtue of a command from them, I do here, in the name of the Commons now assembled in Parliament, and in the name of all the Commons of England, accuse Thomas, Earl of Strafford, Lord Lieutenant of Ireland, of High Treason: and they have commanded me further, to desire your lordships that he may be sequestered from Parliament, and forthwith committed to prison. They have further commanded me, to let you know that they will within a very few days resort to your lordships, with the particular articles and grounds of this accusation. And they do further desire, that your lordships will think upon some convenient and fit way, that the passage betwixt England and Ireland, for his Majesty's subjects of both kingdoms, may be free, notwithstanding any restraint to the contrary."

At the door of the House of Commons, which opened for the passage of Pym, the friends of Strafford also made their exit, and the intelligence soon reaching him,

* May's Long Parliament, 88. The members of the committee were Pym, Strode, St. John, Lord Digby, Sir John Clotworthy, Sir Walter Earle, and Hampden.

though at the time closeted with the King, he hastened down to the Peers' House to anticipate and confound his assailants, by "accusing the Lord Say, and some others, of having induced the Scots to invade the kingdom." * His loud summons at the door of the House, of which he was a member, was answered by Maxwell, Keeper of the Black Rod; and passing on with a proud and frowning countenance, he attempted to reach his accustomed seat. But the voices of too many peers were raised against his intrusion even for his bold spirit to disregard—so pausing, and having heard the cause of this "clamour more than was suitable to the gravity of that supreme court," he claimed a right to be heard, before his peers assented to the application for his committal. The justice of such request was too apparent, and they listened in silence to his firm avowal of innocence, and his warning not to establish a precedent against themselves, by restraining his liberty without the assignment of a single crime. "Consider, my lords, of what consequence such a precedent may be to your own privilege and birthright," was the judicious appeal with which he concluded, though it made not the desired impression; for, after a short debate, he was called in, and whilst kneeling at the bar, the Lord Keeper Finch announced to him, that it was resolved to commit him to the custody of the Gentleman Usher, to be sequestered from the House until he had cleared himself of the accusations that should be charged against him. †

* Clarendon, I. 139. This authority slurs over the fact of Strafford coming direct from the King; he says, "It was about 3 of the clock in the afternoon, when the Earl, being infirm, and not well disposed in his health, and so not having stirred out of his house that morning, *hearing that both Houses still sat, thought fit to go thither.*" † Speeches, &c. of this Parliament, &c. 116.

He wished to address the House, but the House refused to hear him. "In the outer room, James Maxwell required him, as prisoner, to deliver his sword, and when he had gotten it, he cried with a loud voice for his man to carry the Lord Lieutenant's sword. This done, he made through a number of people towards his coach, all gazing, no man capping to him, before whom; that morning the greatest of England would have stood uncovered, all crying, 'What is the matter?' He replied, 'A small matter, I warrant you;' but some rejoined, 'Yes, indeed, high treason is a small matter.' Coming to the place where he expected his coach, it was not there; so he behoved to return that same way through a world of gazing people. When, at last, he had found his coach, and was entering, James Maxwell told him, 'Your lordship is my prisoner, and must go in my coach;' so he behoved to do. For some days, too many went to visit him; but since, the Parliament has commanded his keeping to be stricter."*

'On the 25th of November, after the articles of impeachment had been exhibited against him, he was committed to the Tower, with an injunction to the Lieutenant, "that he should keep a close guard upon him."† In their anxiety to destroy their prisoner, the House of Commons forgot every dictate of justice and humanity; and, to a calm observer, betrayed a consciousness of the weakness of their legal evidence, by the virulence with which they strove to cut off every aid from him, who was now about to struggle for his life

* Baillie's Letters, &c. I. 272, (dated Nov. 18, 1640).

† May's Long Parliament, 89. This author makes the day of committal, Dec. 8; but Nalson and Rushworth, the day named in the text.

against the people of three kingdoms. That such were his opponents is most certain, for the representatives of those kingdoms were there assembled suggesting and marshalling against him charges of criminality; and petitions flowed in, calling for judgment upon him, from whom, whilst living, "neither religion, life, liberty, nor estate, could be secured."

The House of Commons missed no precaution requisite for embarrassing the Earl, and for securing his condemnation. They impeached Sir George Ratcliff, his brother-in-law, and Irish Secretary, that they might remove him from aiding in his relative's defence, "ordering the Lieutenant of the Tower that he do not suffer Sir George to speak with, nor to send message or letter to, the Earl;" * they complained of his friends "great resort daily" to him; they pressed that he should have no legal advisers to aid him; but the lords, with becoming dignity, replied, that he should have such counsel "as the necessity of the case, for his just defence, required;" no member of the House was allowed to visit him, and even a reluctant exception was made in favour of his brother, Sir George Wentworth; and when the House of Peers assigned him counsel, the Commons endeavoured to deter them from their honourable duty, by inquiring, "what these gentlemen had incurred, he being accused of high treason." † Notwithstanding these ungenerous

* "The Earl had obtained from the King his houses' and royal stuff in the Tower. All came to him who pleased. But since Sir F. Windebanke's escape, the Lieutenant of the Tower, Sir W. Balfour, is enjoined to keep him straiter; so he has now but the liberty of three rooms, in the outmost whereof is a guard. Since he heard of Ratcliff being in prison, and of Wandesford's death, his two pillars, his heart is a little fallen."—*Baillie's Letters*, I. 282.

† Strode was the suggester that they might "charge as conspirators in the

and cruel efforts to shackle him in his struggle to establish his innocence, he beat them aside, and rose superior to the difficulties with which he was surrounded. The articles of impeachment were exhibited against him on the 25th of November and 30th of January; and the Earl felt so assured that there was no charge embodied in them amounting to high treason, that he immediately wrote thus confidently to his wife:*

SWEETHEART,

IT is long since I wrote unto you, for I am here in such a trouble, as gives me little or no respite. The charge is now come in, and I am now able, I praise God, to tell you, that I conceive there is nothing capital, and for the rest, I know, at the worst, his Majesty will pardon all, without hurting my fortune, and then we shall be happy, by God's grace. Therefore, comfort yourself, for I trust these clouds will away, and that we shall have fair weather afterwards. Farewell.

Your loving husband,

STRAFFORD.

Tower of London, 4th February, 1640-41.

same treason all who had or should plead in that cause. If this hold, Strafford's counsel will be rare."—*Ibid.* I. 309. Baillie wrote as if he gloated over Strafford's sorrows.

* Strafford's third wife, to whom he had united himself in the October of 1632, was Elizabeth, daughter of Sir Godfrey Rhodes, of Great Houghton, in Yorkshire. She appears to have been a pretty, common-place woman. He married her privately, concealed his union for some time, and never appears to have had such an elevated love for her as that which inspired him towards his second wife. She remained in Ireland during all his period of extreme suffering; and there is no evidence of any effort made by her to save him from the executioner.

The proceedings in the late treaty, and Strafford's clear appreciation of the dangers which environed him, are particularised in the following letter, addressed to Sir G. Ratcliff.

COUSIN RATCLIFF,

I HAVE so many things to write that I know not well where to begin, on this side or on that; but I will first let you see our present condition here, and come to the other at after.

Our Lords Commissioners concluded a cessation of arms with the Scots on Monday was sevennight, and we transferred the treaty to London. I shall not need to mention any of the articles, because George Carre hath them to show you.

They gave an account to his Majesty and the Great Council, wherewith, to my thinking, his Majesty seemed not well pleased; but after some hours of debate, his Majesty allowed thereof; yet were not the articles signed by the rest of the lords as was desired by the Commissioners, neither are they to be signed by the King; only his Majesty, by a letter apart under the signet, is to allow thereof. Much ado there hath been, and the greatest malignity expressed towards me that you ever saw; wherein, nevertheless, I trust I have given them no advantage. Howbeit, the Scots have publicly declared me their enemy, a public incendiary, and I know not what besides.

My Lord of Bristol hath been their Mercury in all the treaty; Holland, Mandeville, Wharton, and Savile, greatly busied therein, and Berkshire, under the highest

professions of friendship you ever heard, brought to be the conduit to utter all their bitterness towards me.

My Lord of Bristol professeth great friendship unto me, and very fair and kind we continue; but yet he put it notably upon me in divers particulars whilst the business was in agitation. First, whether I would advise the breach of the treaty, and if so, how I would assure the King and kingdom we should be able to beat out the Scots. My answer was, that I was so far from advising a breach, as I should not presume a judgment in a business of so great consequence as the treaty was, and for assuring anything I was less able to do that; I was not a prophet nor a son of a prophet, that I could divine; and howbeit I had the honour to be of his Majesty's Privy Council, yet I was not of the Almighty's Privy Council, to undertake to bespeak the event of war beforehand. All I was able to do (and that I did) was truly to let them know as much as I knew of the strength of both armies, and so humbly to submit the resolution to their greater wisdom. Secondly, his lordship propounded that I might be left here to see the performance of the treaty, and that I should be the commissioner to treat and draw the adjacent shires,—Cumberland, Westmoreland, Lancaster, and York, to contribute with Durham and Northumberland towards the maintenance of the Scottish army. My answer was, that for the treaty, I was not so well knowing the private debates, arguments, reasons, and purposes thereof, as to be able so well to judge what might be or might not be in breach thereof, as others that had heard all; and that in respect thereof, my Lords Wharton and Savile were far more capable to discharge that service

than myself. Besides, I had the charge of the army upon me, which alone was more than sufficient to a person of much more experience than myself.

For the latter, I held it no ways comely for me, commanding this army under his Majesty and my Lord General, to be busied in raising contribution for the Scottish army for two months' pay, not knowing the whilst where to procure two days' to our own; so as I did absolutely protest against my being an instrument of drawing new provinces under the Scottish yoke; and that in my own private capacity I would never give them anything, but rather bestow my whole estate upon the King than one farthing on them. Besides, I, being by them declared their enemy, was of all others least proper to be employed in their affairs. This debate finally took end, by his Majesty's saying, "That, indeed, they were not fit for me to meddle in." Lastly, his lordship and the other Commissioners acknowledging the treaty not to be such as they had cause to brag of, being only amidst these public misfortunes to choose the least of evils, they read a long declaration, containing the reasons wherefore they were constrained to conclude this treaty, in prevention of far greater mischiefs, and pitched the strength of these reasons forth of what I had said in the Great Council on several occasions, taking and leaving as they liked themselves best, and thus to make me the author of what they professed not good in itself; and yet privately charged me to be of all others most averse to the treaty. Was not here, if you observe it, a rare art and malice together? Hereupon was I forced to run over all I had said since the first time the Council of Peers sat, to deny some things

they said in that declaration, and throughout to supply it where they had left anything forth; as, indeed, was done in most of the particulars so collected, and these most material ones.

Their lordships acknowledged some things to be mistaken, and so to be left out; in other things my Lord of Bristol said it should be mended, and sent to me to alter and change any words not pleasing to me. I humbly thanked his lordship for his noble offer, but that it could not consist with my modesty to presume to be able to mend what had passed so much abler judgments and greater experience than my own. I humbly craved, that if it seemed good to their lordships to ground anything upon my sudden and weak opinions, they would take them altogether, and not to pick them forth by pieces; and, as I live, if they publish this declaration, in answer thereof you shall have me ere long a fool in print.

I am to-morrow to London, with more dangers beset, I believe, than ever any man went with out of Yorkshire; yet my heart is good, and I find nothing cold within me. It is not to be believed how great the malice is, and how intent they are about it: little less care there is taken to ruin me than to save their own souls. Nay, for themselves, I wish their attention to the latter were equal to that they lend me in the former; and certainly they will rack heaven and hell, as they say, to do me mischief. They expect great matters out of Ireland, therefore pray you lend an ear to what may stir there; howbeit, I know not any thing yet. George Carr hath something to tell you that against all events must be provided for.

If they come to charge, I will send for you to have your help in my defence. I pray therefore make ready, if the occasion be offered, else stir not. The King hath given me great demonstrations of his affection, and strong assurances as can be expressed in words. The Queen is infinitely gracious towards me, above all that you can imagine, and doth declare it in a very public and strange manner, so as nothing can hurt me, by God's help! but the iniquity and necessity of these times.

Three main disadvantages the King and his poor servants labour under at this time; and what the effects thereof may be, God Almighty knows! The uttermost of the Scots' demands are yet veiled from us, and certainly by design of some even among ourselves, so as the minds and opinions of the subjects are infinitely distracted; some thinking over well, others, may be, over ill of their purposes, which turn infinitely to the King's prejudice; for if they were once made patent, every man's judgment would be satisfied, and so unity and concurrence in councils, by God's grace, might follow, which is the only means, under his goodness, to preserve and save ourselves and children by. The Scottish army is still by this means kept as a rod over the King, to force him to do anything the Puritan popular humour hath a mind unto, which is a devilish practice, if you will consider it. This army, which is our bulwark, depends nearly upon the loan of the City; if that fail, we disband shamefully, and with all the danger that can be thought of, which certainly they will either enlarge or straiten, as the King shall please the Parliament more or less; which I assure you I take to be of

more peril than any of the rest, albeit the other are almost as bad as can be.

Thus you see we are in a brave condition; could any man wish it worse? The question is to be answered with a verse of Spenser, "God help the men, thus wrapt in error's endless traine." The Lord Keeper, to begin the business with, hath declared in open Parliament the war was advised by the body of the Council, which albeit in effect true, yet are they infinitely offended at it: what expedient they will find to recruit it we must expect. In the mean time I am hastened up; that there is a great want of me; that if I had been there that folly had not been committed; that I was of absolute necessity to be there, and therefore no delay to be used; and so am I pulled from old Woodhouse by head and ears, as they used to say, and forced to leave the army, which I confess I do most unwillingly, albeit a charge all others I would thank God to be free of. As concerning that other army there (in Ireland), it must rest as it is until I come to London, then you shall speedily hear from me again. In the mean time I would have the Deputy and you interesting the rest of the Council by degrees with you to deal with my Lord Ormond, that now being to go to their winter quarters, the soldiers' pay, during time of garrison, may be reduced to sixpence a-day, wherein not stirring the officers, you may have them to join in the business, taking your rise from the Parliament's abating, indeed abusing, the subsidies. If you compass this you do a great service, and methinks it is not very hard if dexterously handled; for truly sixpence there is more than eightpence here; but then your direction must be hastened thither before

the King's pleasure be declared for setting the subsidy and proroguing the Parliament. The Archbishop of York died since the King's departure, and thereby lies a tale which you can easily expound.

An answer to all other parts of your letters you will find in the inclosed, and in the duplicate of my letter to Secretary Windebanke, which George Carr hath to show you. Remember my service to the Deputy; show him this letter: it will (show ?) from me that he must *tenir roide*, and not suffer my gentlemen to grow insolent upon him, and that his old rule of moderate counsels will not serve his turn in cases of this extremity. To be a fine well-natured gentleman will not do it: we are put by that ward: I cannot write to him now; the best is, what is for one is for both. For love of Christ, take order that all the money due to my Lady Carlisle be paid before Christmas; for a nobler and more intelligent friendship did I never meet with in all my life; and send me as much as possible you can, for there will be use of all, and yet you must by any means make straight with the Vice-treasurer. A heavy task, you will say: I grant it; but who can help that will away? I must entreat both the Deputy and you to assist and advise Captain Rockley all you may; and so, gentle George, farewell.

Your ever most faithful affectionate
friend and cousin,
STRAFFORD.

Wentworth, Nov. 5th, 1640.

I am, God be praised! much amended in my health. Albeit I do not answer all your letters in this strait

wherein I am, yet I have great use of them, and hope to live to give you more thanks for them than a few lines can express. To the best of my judgment we gain much rather than lose. I trust God will preserve us; and as all other passions, I am free of fear: the articles that are coming I apprehend not. The Irish business is past, and better than I expected, their proofs being very scant. God's hand is with us, for what is there not we might expect to have been sworn from thence? Continue your letters, which are not ill bestowed upon me; for I observe them, and have great use of your advice, which hath helped me exceedingly. All will be well, and every hour gives more hope than other. God Almighty protect and guide us! *

Sunday after dinner.

* Ratcliff Correspondence.

CHAPTER III.

Strafford's Trial commences—Arrangements in Westminster Hall—King present—Earl of Arundel presides—Earl of Lindsay—Strafford's coming to the Hall—His demeanour—Popular feeling turning in his favour—Charges against him—Conduct as Lord President and as Viceroy—Treatment of Lord Mountnorris—Tyranny in Ireland—War against Scotland advised by him—Enforcement of Ship-money recommended by him—Illness of the Earl—Commons feel their charges failing—Offer fresh evidence—Vere's notes received—Strafford's counter-evidence—Bill of Attainder preferred—Long in agitation—Letter of Ferdinando Fairfax—Attainder hurried forward—Lord Digby opposes it—Best copy of Vere's notes—Selden considered the charges not proved—Strafford's reply to them—Its impression upon his auditors—Glyn's and Pym's rejoinder—Bill of Attainder passed by the Commons—Charles addresses the Peers in behalf of Strafford—The advisers of that step—Popular clamour raised—The Peers urged to pass the Bill—The adherents of Strafford denounced—The Protestation signed by both Houses—Father Phillips's letter intercepted—The army in favour of Strafford—Letter of Mr. Stockdale—Muster of the Troops—Rumours against the Scotch—Billet-money unpaid—Desire for Strafford's death—Assessment of Subsidies—The Protestation popular—Mr. Benson—Oppressive military conduct—Sir Jacob Astley.

On the 22nd of March, 1641, commenced that trial "which was and is, some way or other, the concern of every man of England;" and Westminster Hall was its fitting arena. At the northern end, so that there should be ready admission from the main entrance door in Palace Yard, were two rooms erected, "in the one did Duke de Vauden, Duke de Vallet, and other French nobles sit; in the other, the King, the Queen, Princess Mary, the Prince Elector, and some Court ladies. The hangings, which made them to be secret, the King broke down with his own hands, so they sat

in the eye of all, but little more regarded than if they had been absent, for the lords all sat covered; those of the Lower House and all others, except the French noblemen, sat uncovered when the lords were present, but not else."

In the centre, a little in advance of these two rooms were "a throne for the King, and a chair for the Prince of Wales;" but although the latter occasionally came to this position of state, his Majesty, being supposed to have delegated the dispensing of justice to others, never occupied the chair of state. He came daily, however, to be an auditor of the trial, and as "most of the lords and Lower House did write much daily, so none more than the King." The presiding judge at the tribunal was the Lord Steward, the Earl of Arundel, and he sat before the throne on "a large woolsack, covered with green cloth. Beneath it lay two other sacks for my Lord Keeper and the judges."* Those who attended were "all in their scarlet robes," but the Lord Keeper Littleton, the ungrateful and the pusillanimous, was not of the number. Strafford had been his patron and the architect of his fortune, but he had not the courage to stand forth in this hour of the peril of his patron, and as President to make sure that the balance was poised equally for the assailed as well as for the assailants. He pleaded sickness, and slunk from the judgment-seat, and was succeeded in it by Strafford's enemy, the Earl of Arundel. This cast a shadow upon the very opening of Strafford's trial. The Lord Keeper,

* The arrangement of the Hall was under the direction of "the Speaker of the Peers, the Earl of Lindsay, who was made Lord High Constable of England for that time."—*Whitelocke*, 40.

however, had showed his cowardice and his incapacity, when, a month previously, Strafford had been first arraigned. On that day, February 24th, the King entered the House of Lords without his robes, and his visit being unexpected he was received without ceremony, and took his seat upon the throne. Having informed the House that he merely attended to hear the articles of the impeachment, the Earl was called to the bar, and they were read, and so soon as they and the Earl's answers to them had been concluded, his Majesty withdrew. It was then moved that the arraignment be again gone through, some of the Peers considering that the King's presence had rendered the previous proceeding *coram non judice.* The Lord Keeper ought to have refuted this bad law, and have vindicated the King's prerogative to be present at all times in Parliament, and in his Court of Justice; but his lordship dared not attempt to stem the indignation expressed at the King's intrusion, and without any opposition Strafford was recalled, and the impeachment and the answer were once more read.

In front of the woolsack was a small table, at which sat "four or five clerks of the Parliament in their black gowns." On each side of these were the benches "covered with green friezes,"* for the Peers who sat in judgment, habited "in their red robes, lined with white ermine skins." "The Barons on their right sleeve having two bars of white skin, the Viscounts two and one half, the Earls three, the Marquis of Winchester three and one half. England hath no more Marquisses," adds Baillie, from whom this description is

* "Red cloth."—*Whitelocke*, 40.

chiefly taken, "and he but one late upstart of Queen Elizabeth's. Hamilton goes here but among the Earls, and that a late one. Dukes they have none in Parliament; York, Richmond and Buckingham are but boys, and Lennox goes among the late Earls."

Behind the Peers, and separated from them by a bar covered with green cloth stood the committee appointed as counsel for the impeachment. They were Lord Digby, Hampden, Pym, St. John, afterwards the King's Solicitor General, Sir Walter Earle, Palmer, Attorney General to Charles the Second, Maynard, subsequently a Sergeant, and Glyn, at one time Recorder of London. Lower down behind the same bar was a small desk, at which "the prisoner Strafford stands or sits as he pleaseth, together with his keeper, Sir William Balfour, the Lieutenant of the Tower. At the back of this is a desk for Strafford's four secretaries, who carry his papers and assist him in writing and reading. At their side is a space for the witnesses, and behind them a long desk next the wall for Strafford's counsel, some five or six able lawyers." The leader of these was Lane, afterwards the King's Lord Keeper at Oxford; Gardiner, the City Recorder, whom Charles had desired for Speaker; with Loe and Lightfoot as juniors; the names of the others have not reached us.

On each side of the hall, and extending its entire length, "arose a stage of eleven ranks of forms, the highest touching almost the roof: the two highest were divided from the rest by a rail, and another rail at each end cut off some seats. Within the rails sat the gentlemen of the House of Commons, and many hundreds more of gentlemen who could get places with them."

The description of the first day will suffice to give an idea of the manner of proceeding throughout, for each that succeeded during the lengthened course of the trial was but a repetition of the same painful details.* So intense was the public interest in its proceeding, and such numbers crowded to be spectators of it, that, Baillie says, "we always behoved to be there a little after five in the morning: my Lord Willoughby, Earl of Lindsay, ordering the house with great difficulty." By seven the hall was full, and at eight the lords had taken their seats. Many ladies were seated near the throne for places "for which they paid much money;" and the Prince of Wales, then a mere child, "sat (occasionally) on a little chair near the throne." The King and Queen with the members of the Court, had arrived "about nine of the clock, but kept themselves private within their closets, only the Prince came out once or twice to the cloth of State."† "It was daily," says our Scottish authority, "the most glorious assembly the isle could afford, yet the gravity not such as I expected; oft there was great clamour withoutside the door; in the intervals, whilst Strafford was making ready for answers, the Lords got always on their feet, walked and clattered; the Lower House men, too, loud clattering. After ten hours, much public eating, not only of confections but of flesh and bread; bottles of beer and wine going thick from mouth to mouth without cups; and all this in the King's eyes: yea, many but turned their backs and did

* It began on the 22nd of March, and concluded on the 12th of April. The Bill of Attainder passed the House of Commons on the 21st of the latter month, and the House of Lords, on the 10th of May.

† Rushworth's Trial of Strafford, 41, who was "purposely placed near the Earl, to take in characters whatsoever should be said either for or against him."

worse, for there was no outgoing to return; and often the sitting was till two or even four o'clock."*

Strafford came from the Tower in his barge attended by its lieutenant, guarded by 100 partizans in six barges, and was received on landing at Westminster by a guard of the Trained Bands, who conducted him to the Hall. On his entrance the porter asked of the usher whether the axe should be borne before the Earl, but the King had forbidden this painful and useless form; nor was it customary "except when a prisoner has to be put upon his jury." He bowed lowly to his judges as he entered the court, and after advancing a few steps he repeated this courtesy, and again when he reached the place at which he was to contend with his accusers. He then advanced to the bar, and having bent upon one knee for a second, he rose, "saluted both sides of the House, and then sat down." "Some few of the Lords lifted their hats to him," and the rest of the assemblage had the good taste to be silent if not courteous. Apparelled becomingly in mourning, courteous yet bold, and with a countenance "manly black," on which, though "terror mixed with wisdom," usually were impressed, now softened by affliction, imprisonment, and acute disease, it is no wonder that even the hearts of his opponents were softened by his appearance. But after his eloquent address had been heard—ready, bold, cogent, and pathetic as it was—his enemies saw and acknowledged he was winning his way to an acquittal, and extorted from Serjeant Maynard the tart acknowledgment, "that by the flow of his eloquence he spent time to gain affection;" "as indeed," says Baillie,

* Baillie's Letters, I. 316.

"with the more simple sort, especially the ladies, he gained daily much." But this generous feeling was not confined to them; for who can look without sympathy upon greatness contending with dignity against adversity? "Soon," says one of his opponents, "the people began to be a little divided in opinions;* the clergy in general were so much fallen into love and admiration of him, that Laud was almost forgotten by them; the courtiers cried him up, and the ladies, whose voices will carry much with some parts of the State, were exceedingly on his side. So great was the favour and love which they openly expressed for him, that the verse could not but be remembered,

> Non formosus erat, sed erat facundus Ulysses,
> Et tamen æquoreas torsit amore Deas.
>
> Ulysses, though not beautiful, the love
> Of goddesses by eloquence could move."†

This favourable feeling towards Strafford, however, influenced those of sterner metal than his countrywomen, for the army began to be moved in his favour. "In my letter by Mr. Mauleverer," says Mr. Stockdale, writing again to Lord Fairfax, "I gave your lordship a touch of the present inclination of the soldiers now lying in this county (Yorkshire); they continue much after the same manner, neither unquiet nor well resolved to be content with peace. Yet every day their affection to the Lord Strafford's deliverance and safety doth appear most evidently; and it is the more remarkable, because it is not many months since he was scarcely beloved or

* "The crowd of people was neither great nor troublesome. All of them saluted him and he them, with great courtesy, both at his entrance and at his return."—*Rushworth*, 43.

† May's Long Parliament, 92.

valued by any of them. The general opinion in these parts is, that he will escape the censure of treason; but I am persuaded that the House will not think it stands with their reputation to fail in an action so much concerning the public, and themselves also in particular, if he should escape, who is known to be of a vindictive character."*

It would be tedious and of no utility to trace the evidence by which the managers of the Earl's impeachment endeavoured to establish each charge against him, or the testimony he produced in his defence to rebut it; but we may advantageously confine ourselves to the particulars which were established by witnesses or admitted by the accused.

It was established that, as Lord President of the Northern Court, he had held himself superior to the Courts at Westminster, declaring that if from them any one brought a prohibition to stay any cause in his court, "he would lay him by the heels;" but then as the Earl replied, "if there be an error in a judge so that he determines otherwise than a man of better understanding considers reasonable, this is not to be heightened into treason; for if it were so, few judges would serve."

It was next endeavoured to be proved that Strafford had publicly declared in Yorkshire "that the King's little finger should be heavier than the loins of the law;" but after showing that he was in Ireland when the words

* Fairfax MSS. The writer of this letter was a Yorkshire Magistrate, and subsequently represented Knaresborough in this Parliament. The letter is dated 30th April, 1641, and directed "To the Right Honourable my singular good Lord, the Lord Fairfax, Baron Cameron, at his lodgings, at Mr. Brigham's house, the sign of the Saracen's Head, in King-street, Westminster."

were said to be uttered, he declared that he had made use of a speech diametrically the reverse of that charged, though at another period. He was in Yorkshire persuading certain gentlemen to compound for knighthood, by showing that it was much less chargeable to them than if they should be compelled to do so by legal process, adding, "for the little finger of the law is heavier than the King's loins." That this version was truth was proved by the evidence of one of the House of Commons' own members, Sir William Pennyman, and one of the managers of the impeachment, Maynard, could only vent his vexation in the sarcasm, "He did his duty well, being a member of the House of Commons, never to inform them." This called forth an indecent volley of hisses from the Commons, by which "Sir William was confounded and fell a-weeping;" upon which the Earl, with becoming feeling and judgment, besought the peers to protect his witnesses, for "my lords," he added, "rather than I should prejudice any man in that kind I would put myself on God's mercy and goodness, for I account it an unjust thing to overthrow another to save myself." Other witnesses were called to prove the charge as laid in the impeachment, but it need only be further observed, that, supposing them to have been correct, yet the Earl was right when he observed, "It is no treason within the statute."

The next charge against the Earl was, that he had publicly declared Ireland was a conquered nation, and that the King might do with them what he pleased. The evidence upon this was conflicting; but even supposing that he had so expressed himself, yet Serjeant Maynard acknowledged "the Commons never passed

these words singly to be treason." As to the addition to this charge, that the Earl had said the Dublin city charters "were nothing worth, and did not bind the King," it appears that this was no more than the opinion of the King's law-officers. Besides, those charters remained still enjoyed by the corporation; but if they had been infringed upon, what lawyer would have said that this was treason! Errors they may have been, and of "errors," said Strafford, "I may have many; perhaps my tongue hath been too free; my heart, may be, hath lain too near my tongue; but God forbid that every word should rise up in judgment against me." For the better proof of what the words actually spoken were, he desired that Sir George Ratcliff, who was present when they were spoken, might be examined; but the Commons, foreseeing his importance as a witness for the defence, had impeached him also of treason. That was unjust in its purpose, yet could only be effectual by its securing from the peers an illegal decision that it incapacitated him from giving evidence, and that decision was attained. It deserves to be recorded, that Ratcliff was not the only Irish privy-councillor impeached for the purpose of silencing them. The Lord Chancellor, Sir Richard Bolton; the Chief Justice of the Common Pleas, Sir Gerard Lowther; and the Bishop of Derry, Dr. Bramhall, were charged with high treason, and committed to prison. "I have been near a fortnight at the Black Rod, charged with treason," said the Bishop, writing to his wife on the 12th of March, 1641; "never any man was more innocent of that foul crime; the ground is only my reservedness. God in his mercy, I do not doubt, will send us many merry and happy days

together when this storm is blown over." He was a true prophet, for the impeachment against the four was entirely abandoned, so soon as their prosecutors' object had been attained by the fall of Strafford.

The next charge was fully established by evidence, and proved that the Earl had decided causes at the Irish Council Board which were cognisable only by the courts of law. That board had no jurisdiction over lay titles to land or benefits thence arising, and such was the lay-impropriation of tithes enjoyed by the Earl of Cork; for endeavouring to protect which in a court of law, Strafford threatened to "clap him in the Castle," adding, "For, I tell you, I will not have my orders disputed by law nor lawyers." It was made an aggravation of Strafford's oppression in this instance, that he had endeavoured to force into the Earl of Cork's rectory, Strafford's own under-coachman, one Arthur Gwyn. But this must be admitted to the Earl's honour rather than to his discredit, for Baillie acknowledges that Mr. Gwyn "was a Master of Arts," to which he could not have been admitted without such learning as entitled him to be raised from that station to which misfortune probably had reduced him.*

The most despotic and most illegal of the acts laid to Strafford's charge, and fully established by evidence, was his treatment of Lord Mountnorris. This nobleman "in a time of full peace," at a private dinner-party, had said that a kinsman of his had hurt Strafford's gouty foot, "perhaps in revenge of a public affront," done by him, to Lord Mountnorris. For these words, without notice, about eight months after, Strafford summoned

* Baillie's Letters, I. 324.

Mountnorris to a Council of War, and then, without hearing any defence, or giving him time to summon witnesses, that council sentenced him to be deprived of all his appointments, to be disarmed, and to be shot or beheaded, "at the pleasure" of Strafford.* It is quite true that Strafford did not vote on this occasion, but the members of the council were his creatures, and he sat there until they had concocted what he was pleased to designate "a noble and just sentence;" it is also quite true that Lord Mountnorris was a proud, overbearing, and unpopular nobleman; and it is equally certain that Strafford only imprisoned him, and, as he said, may have intended only "to discipline Lord Mountnorris, and teach him to govern his speech with more modesty."— But admitting all this, still the trial was illegal, the sentence disproportioned to the offence, the insults heaped upon Lord Montnorris most unjust; and, at all events, there could be no defence of his brutality to Lady Mountnorris, who on her knees in the open street presented the King's pardon, for which, with a wife's devotion, she had hastened to England and obtained. We can but scorn the tyrant, whose only reply to this part of the charge was, "My Lady Mountnorris's courtesy was above all measure displeasing." †

It is needless to pause upon the charges against the Earl, of permitting the issue of general warrants by one

* In a letter to the Secretary of State, dated December 14, 1635, Strafford had ventured to say that Lord Mountnorris had been sentenced "after a full and clear hearing of all he could say in his own justification."—*Strafford Letters*, I. 498. The very anxiety evinced in those Letters to show that he had had no voice in the proceeding betrays what it would willingly conceal.

† The public condemnation of the proceedings against Lord Mountnorris, and the corrupt motives on which it was said to be founded, may be gathered from the Strafford Letters, I. 500, &c.

of the bishops, for however oppressive, they were not without precedent in Ireland; or upon those which alleged he had imposed excessive duties upon wool, hides, and tobacco; for it has been well observed, that never before had the fact of increasing the price of a fleece of wool, or a roll of tobacco, formed an ingredient in a charge of high treason. That he profited by having a monopoly of tobacco was fully proved, but monopolies were then of frequent occurrence, and his pecuniary gain did not alter its complexion, for the Earl truly remarked, "the goodness of a bargain could not make it a treason."

The attempt to make the next charge high treason was still more ridiculous than the preceding, for it was no more than an order of the Council Board, that flaxen yarn should be only reeled in one particular way. It was quite true that the constables and others appointed to see the order obeyed, executed their commission with great severity, and for this they should have been punished. But the severity was unquestionably caused in the first instance by the resistance made by the spinners—a resistance so obstinate, that the order of council was obliged to be recalled. It was not attempted to be denied that the reeling process which was sought to be enforced, was an improvement upon the rude mode pursued by the natives; and Strafford said that he only sanctioned the issuing of the order "to bring them from these Irish customs to English manners," and that similar orders had been issued and enforced to prevent them from attaching their horses to their ploughs by the tail, and to enforce the practice of thrashing instead of burning the straw to obtain the corn. "If it savoured of oppression, it tended not towards treason.

The same reply applied to the next accusation, satisfactorily proved, that Strafford issued warrants to quarter soldiers upon individuals who had failed in satisfying their creditors. Such oppression, such illegality, accompanied as it was by all the brutality of licentious soldiers, was indeed a high crime and misdemeanor. It was no defence, though preferred by the Earl, that other Lord Lieutenants had similarly quartered the military upon crown debtors, and those who harboured criminals, for the instances in which he had been the oppressor were in cases of private debts, and to oblige private individuals. Coupled, however, with this charge was another offence, which made the tyranny more bitter, by taking from it all power of appeal to a higher tribunal. All persons were forbidden to resort to England, until they had a licence from the Earl, and it was proved that he used this to gratify private pique, and to the ruinous disadvantage of many. It matters not that he obtained the King's sanction to such a course of despotism, for even supposing that it was legal to restrain the Irish gentry from the passage into England, "still here is the sting of my lord of Strafford's proceeding," observed Serjeant Maynard; "he avails himself of this power to prevent the complaints which might be brought to his Majesty against his injustice."

The next charge against the Earl was for having framed an oath, which he endeavoured to compel all the Scotch resident in Ireland to subscribe, whereby they pledged themselves not merely to be loyal subjects, but not to adhere to the League and Covenant. It is quite true, that a similar oath was offered to many in England, and that both the oaths had the King's sanction; but it is equally true that no such oaths could be legally

enforced but by Act of Parliament. In England it was not urged upon any, but in Ireland it was so rigorously enjoined, that thousands left all their property, and fled to their native country, rather than thus pledge themselves to act contrary to their consciences. Only one specific instance was proved of the Earl's enforcing obedience to this, and that was the family of the Stuarts. The father and mother were each fined 5000*l.*, and the two daughters each 3000*l.*, and in default of payment they were committed to prison. In this instance he did not carry out his threat to the letter, that "those who refused to take the oath he would prosecute to the blood," but he certainly "stretched his power above the law;—framed a new law, and for not observing that, a new punishment also."

The next charges were that the Earl, at the Council Board, had advised an offensive war against the Scotch; that in conversation he had said, that if the Parliament would not grant to the King the requisite supplies, the King would be justified, for the safety of the state, in taking the property of his subjects, for that he was not to be mastered by their frowardness; but, above all, that the Earl had advised the King in these or similar words—"You have an army in Ireland which you may employ here to reduce this kingdom." Words which were reported by Sir H. Vane, and which subsequently were urged more strenuously against Strafford. As these charges at first stood, a war being resolved upon, there was no treason in expressing an opinion that an offensive, rather than a defensive, war, was to be preferred. On a sudden emergency, *Salus reipublicæ suprema lex;* "when there is no time to call a

Parliament, the King, as common parent of the country, may use all possible means for its safety." "This," added Strafford, "this may be a foolish opinion, but for this a man should not forfeit his life, honour, and inheritance." He denied that he had ever advised that the Irish army might be employed against England, but it being difficult to establish a negative, he could do no more than produce such members of the Privy Council as being present at the time did not hear the word alleged. But supposing these words to have been uttered, still, as the Earl observed, "nothing is more common than for a councillor to be of one opinion when he comes out of his chamber, and to have that opinion confuted by the wisdom of his fellow-councillors—nothing was done to enforce the opinion he was alleged to have expressed—and though an opinion may make a heretic, he never heard that an opinion could make a traitor." Moreover, "if words spoken to friends in familiar discourse, at one's table, in one's sick bed, and perhaps to gain light and information, were to be gathered into treason, it would take away the comfort of all society, and it will become a silent world. If words spoken under an oath of secrecy at the Council-table shall be taken against a man for the attainting of himself and the disinheriting of his children, what wise and noble person of fortune will, upon such perilous terms, adventure to be a councillor to the King?"

The evidence of the Lord Mayor of London, Sir Henry Garaway, established the urgency and illegality of the means recommended by Strafford to extort loans and Ship-money. Sir Henry said that he was frequently summoned before the Privy Council, for the Ship-money

demanded was not procurable, and "he could not tell which way to turn himself to levy it." He told the King of the difficulty, and that of the Ship-money, (demanded two years before,) not one-half of the City had paid, and that the willing men who had paid thought this inequitable. This reply being distasteful, Strafford said to the King, "Sir, you will never do good on this man till you have made him an example. He is too diffident; unless you commit him, you shall do no good upon him." And on another occasion, when the aldermen refused either to advance money as a loan, or to give a list of those who were equally resolved not to part with their money, the Earl spoke in a similar way to the King respecting the aldermen, adding, "Unless you hang up some of them, you will do no good upon them." Strafford did not deny one of these speeches, but observed, after regretting their utterance even to assist the King in his time of necessity, that they were no more than words. "True, my lords," rejoined Mr. Glynn, "they were but words, but let it be remembered that for words spoken concerning treading on his toe, the Earl procured a sentence of death against the speaker."*

It deserves especial notice that Strafford did not deny having advised the rigorous levying of Ship-money, but he rested satisfied with pleading that "he advised no other ways than had been before used," and that the impost being sanctioned by the judges, "it was not for him to dispute what they had done." This deserves to be remembered, because such levy was in

* Lord Mountnorris, see p. 70. It was not true that no consequences arose from those words, for four Aldermen were imprisoned or "laid by the heels" the same day.—*Rushworth*, 598.

direct defiance of the Petition of Right, and "this great man's principal crime, objected against him by the Parliament, was, his attempts to subvert that excellent law, which he himself had promoted with the most ardent zeal, as the best inheritance he could leave to his posterity. The laws confirmed and renewed in that Petition of Right were said to be the most envenomed arrows that gave him his mortal wound."*

Thus closed the evidence adduced at this memorable trial; and no one can rise from its perusal without the conviction that most signally did it fail in establishing the charge of treason against the arraigned. This conviction was that also felt by his friends at the time:—"They are all hopeful and almost confident of his deliverance," wrote Mr. Stockdale, to one of the Earl's accusers, Lord Fairfax.† Strafford felt equally sanguine, as we have seen in his letter to his wife; and Lord Baltinglass, upon premises which proved deceitful, felt equally confident, saying, "His lordship trusts extremely well of his cause, having God and the King on his side, and the Lords' House fairly inclined towards him."‡

Strafford's accusers, the House of Commons, felt that they were failing in their object, and this conviction stimulated them to further exertion, and increased their bitterness. The morning after the case against him was closed, he was to have replied generally upon the evidence; but when the morning came, the Lieutenant of

* Rushworth, in Preface. † Fairfax MSS. April 10, 1641.

‡ Yet the Earl prepared wisely for the worst, the same letter stating that the King had given him the power to dispose of his Irish estates "notwithstanding his accusation, or what may follow thereon."

the Tower and the gentlemen of the Earl's chamber, attended in the Hall, and deposed that he was confined to his bed by a violent return of his old calculous disorder. Mr. Glyn urged that a physician should have attended to make this report, and that in the absence of medical evidence it must be taken to be Strafford's "wilfulness, rather than weakness." But the Peers took a more liberal and more just view of the circumstance; for the four noblemen whom they deputed to visit the Earl, found two physicians with him, who thought he might attend in the Hall next day.*

On the morrow he again confronted his accusers, whose claim for permission to produce fresh evidence, was demurred to by the Earl, on the ground that the case was closed. Glyn replied, that it was not closed so long as the evidence was not summed up, adding, with uncalled-for discourtesy, that "it did not become a prisoner at the bar to prescribe a method of proceeding to the Commons of England."

"I think," replied Strafford, "it concerns me as nearly to defend my life, as it does any one to pursue it. Yet I am willing new proofs should be brought, provided I have liberty to reply, and to produce witnesses on some points which concern my justification."

The Lords acceded to this plain dictate of "common equity," but it did not accord with his accusers' intentions. They had some fresh evidence to adduce that would not bear a strict investigation,—some rough notes, purporting to be written by a living witness. "So at once the Commons began to grumble;" the decision "showed that Strafford's friends were strongest

* Nalson, II. 100.

in the Higher House;"* therefore the Commons rose on both sides of the Hall, clamouring "Withdraw, withdraw!" and, with one accord, "on with their hats, cocked their beavers in the King's sight, and went all away in confusion; Strafford slipped away to his barge, and to the Tower, glad to be gone, lest he should be torn in pieces; the King went home in silence; the Lords to their House," without even adjourning the court.†

Those rough notes, now proffered as evidence, deserve more than a mere cursory notice. They purported to be notes, taken by Sir Henry Vane, Secretary of State, of certain opinions expressed by the King, Laud, Strafford, and Cottington, at a meeting of the Privy Council, on the 5th of May, 1640. There is a grave suspicion as to the genuineness of those notes, for in the "Journals of the House of Commons" it is recorded, that the paper produced was only a "a copy;" and it is a striking fact, that Whitelocke's detail of their contents differs essentially and extraordinarily from that given by Nalson.‡ It seems certain that Whitelocke's particulars

* Baillie's Letters, I. 345. † Ibid. I. 346; Nalson, II. 102.

‡ Nalson, II. 208; Whitelocke, 41. Rushworth was clerk to the Parliament, and his silence can only be accounted for, by supposing that the notes were never produced as evidence, but were read *obiter*. To suppose that he suppressed them with an unfair intention is absurd, for they were unfavourable to Strafford. The history of the discovery of these notes, as related by Nalson, Clarendon, and Whitelocke, is briefly this. Old Sir H. Vane being in Kent, arranging settlements preparatory to his son's marriage, sent to the latter, then in London, the key of his cabinet, to obtain some papers to be returned by the bearer. In searching for those papers, the son found these notes of the Privy Council debate—notes, be it remarked, which, if they ever existed, were in defiance of the King's order, that such notes and memoranda should be destroyed. Young Vane communicated a copy of those notes to Pym, who employed them in the way mentioned in the text. The fullest copy of the notes is given by Nalson, II. 208.

must have been given from his own memory and those of his brother managers of the impeachment, for when the notes were required for use, they could no where be found. Whitelocke, as Chairman of the managers, having the charge of all the papers, was the person suspected of having made away with the notes; but he and all the managers made a solemn protestation, that they had neither taken them, nor knew what had become of them. Lord Digby made this protestation "with more earnestness and deeper imprecations than any of the rest; yet, afterwards, at the battle of Naseby, the King's cabinet being taken, among the papers in it was found a copy of these notes, under the Lord Digby's hand."* Neither the copy, nor the portions remembered by Whitelocke, appear to have been read to the House of Lords, and this accounts for Rushworth's silence respecting them. It is true, that Whitelocke states the contrary, but then, he also states, as Strafford's reply, the very words which the Earl used in answer to the 23rd article of the impeachment, and if his memory failed in one particular relative to this charge, it might also fail in another particular; and more especially when he contradicts himself by saying, that "the notes were openly read" in the hall; and in another sentence, that they had been lost at the committee. Baillie states that the

* Whitelocke, 42; Baillie's Letters, I. 345. Nalson does not state that Sir H. Vane's notes were communicated to the House of Lords, but only that some fresh evidence was "begun to be offered;" and Clarendon, who gives very full particulars, only mentions that those notes were made known to the Commons. It is certain that those notes had been shown to Strafford, for in his summing up his defence he mentioned that the debate at the Council Board had taken place on the 5th of May. This date was affixed to the "notes," though not mentioned by Sir H. Vane in his evidence; and Mr. Glyn hit the blot by observing, in the course of his reply, "I wonder how he came to the knowledge of the day."

Lords would only allow the Commons to adduce fresh evidence on condition that Strafford might do the same, and if the paper had been read, this would have been an infraction of their resolution, and the Commons, having obtained its admission, need not have "risen in such a fury." Moreover, in the "Journal of the House of Commons," April 12th, we find, that at a conference with the Lords, the Commons merely asked for the admission of "a narrative of the evidence *mentioned* on Saturday last, to which two members of the House were ready to depose." There was no need for this if the missing note had been read in evidence.

So soon as the Commons had withdrawn from Westminster Hall to their own House, Sir Arthur Haselrigg introduced a bill "for the Attainder of the Earl of Strafford." Much ingenuity has been wasted in the endeavour to discover reasons for this irregular mode of proceeding, but that which is stated in one short sentence by Baillie, appears quite sufficient, "It was shown that Strafford's friends were strongest in the Higher House."* Those friends were to be overawed, and it would be too late if they were allowed to record their opinions by a verdict of "Not guilty" on the impeachment. To overawe them one powerful engine would be, a vote of the House of Commons, a verdict of some 250 gentlemen, that they considered the evidence had established the Earl's guilt.

This mode of proceeding against Strafford was no new or sudden suggestion, for Waristoun, writing to Lord Balmerino a week previously, said, "Strafford's business is but yet on the 15th article; the Lower House, if they

* Baillie's Letters, I. 345.

see that the King gains many of the Upper House not to condemn him, will make a Bill of teinture, and condemn him formally in their own House, and send it up to their House as any other Act of Parliament." * And that such a course had been contemplated even still earlier, is intimated by a passage in the following letter :—

FOR MY VERY LOVING BROTHER, MR. HENRY FAIRFAX, AT ASHTON-UNDER-LYNE, LANCASHIRE.

GOOD BROTHER,

I HAVE advised with divers gentlemen, who serve for the counties of Lancashire and Chester, concerning an university at Manchester, but find them hopeless of having it. I gave the writings concerning that business to Mr. Ashton, one of the knights for that county, to confer with the rest, who has not yet given me any answer. The way to effect it must be by Bill, which will be a charge of one hundred marks at least, too much to be hazarded on so great an uncertainty ; and, therefore, I think it fittest to let that rest, and let none come to solicit it in this troublesome time, when all businesses of the commonweal are at a stay, my Lord of Strafford still keeping us in play. Against him we have framed a short Bill to convict him of treason, which was the speedier way, had we not been at first misled by the other opinion of going by the Lords, to effect either of which (both being now on foot) I fear will take a fortnight's time longer, my lord having yet to answer by counsel upon the first way, and upon the other ; our Bill being yet upon committee in our own

* Dalrymple's Memorials, II. 117.

House, which will ask divers days to be engrossed for the Lords, where it may attend their leisures. So are all the business of the commonweal at a stop at this present. If there be an open I shall let you know; but I long to be in the country, where my cousin Bellasis has been this month, and promised to return by Easter. Either myself before I go, or he in my absence, will do our best, but truly I much fear the success. I pray you remember my love to my sister; so, in haste, I rest

Your very affectionate brother,

FER. FAIRFAX.

20th of April, 1641.

It has been stated by some who ought to have been better informed, that the Bill of Attainder was read twice in one day; but this is contrary to the truth, and there is no need to make out a case of haste and harshness against the House of Commons of a complexion darker than is rendered by facts. The Bill thus introduced and read a first time on the 10th of April, and read a second time on the 14th, was yet in committee, Lord Fairfax says, on the 20th, and the day following it was read a third time and passed.*

Previously to its third reading, it was opposed by Lord Digby in an unanswerable speech, and which must have carried conviction to the minds of all but those

* Journals of the House *in loco;* Parl. Hist. IX. 252; and Rushworth, IV. 47. Nalson (II. 157) and Clarendon (I.) are the two writers who make the misstatements relative to the Bill of Attainder. Nalson says it was "*thrice* read in one day;" and Clarendon, that "it was immediately read a first and second time, and so committed." Dugdale concurs in this, in his "Short View of the Late Troubles," 68.

who were resolved not to be persuaded from their course.

Lord Digby had been one of the six members deputed by the Commons to conduct Strafford's impeachment, and his reasons for not condemning the Earl fell therefore from his always eloquent lips with a tenfold authority :—"I was engaged with earnestness in his prosecution," he said, "but the ground of our accusation, the spur to our prosecution, that which should be the basis of my judgment unto treason against the Earl of Strafford is vanished away. I mean, Mr. Speaker, his advising the King to employ the army of Ireland to reduce England. I was assured that this would be proved, before I gave my assent to his accusation. I was confirmed in the same during the prosecution, and fortified in it most of all since Sir Henry Vane's preparatory examinations, by the assurances Mr. Pym gave me that his testimony would be made convincing by some notes of what passed at the Juncto (Cabinet Council) concurrent with it. I understood those notes to be of some other councillor, but they now prove to be but a copy of the same secretary's notes, discovered and produced in the manner you have heard, and those only disjointed fragments* of the venomous parts of discourses; but no results—no

* The following is Nalson's copy of Sir H. Vane's "disjointed fragments" :—

LORD LIEUTENANT OF IRELAND.

No danger in undertaking the war, whether the Scots are to be reduced or not?

To reduce them by force, as the state of this kingdom stands.

If his Majesty had not declared himself so soon, he would have declared himself for no war with Scotland. They would have given him plentifully.

The City to be called immediately, and quickened to lend one hundred thousand pounds.

The Shipping-money to be put vigorously upon collection.

conclusions of councils, which are the only things that secretaries should register, the other being useless,

Those two ways will furnish his Majesty plentifully to go on with arms, and war against Scotland.

THE MANNER OF THE WAR.

Stopping of the trade of Scotland no prejudice to the trade, free with England, for cattle.

A Defensive War totally against it.

Offensive War into the kingdom. His opinion—Few months will make an end of the war: Do you invade them.

LAUD, ARCH.

If no more money then proposed, how then to make an Offensive War a difficulty.

Whether to do nothing and let them alone, or to go on with a vigorous war.

L. L. IRELAND.

Go vigorously on, or let them alone; no Defensive War; loss of honour or reputation; the quiet of England will hold out long; you will languish as between Saul and David.

Go on with an Offensive War as you first designed, loosed and absolved from all rules of Government.

Being reduced to extreme necessity, everything is to be done as power will admit, and that you are to do.

They refused; you are acquitted toward God and man. You have an army in Ireland you may employ here to reduce this kingdom.

Confident as anything under heaven, Scotland will not hold out five months—one summer, well employed, will do it; venture all I had, I would carry it or lose it.

Whether a Defensive War as impossible as an Offensive War! or whether to let them alone.

L. ARCH.

Tried all ways, and refused all ways. By the law of God you should have subsistence, and ought to have, and lawful to take it.

L. COTTINGTON.

Leagues abroad they make and will, and therefore the defence of this kingdom.

The Lower House are weary both of King and Church.

It always hath been just to raise moneys by this unavoidable necessity, therefore to be used being lawful.

L. L. IRELAND.

Commission of Array to be put in execution.

They are to bring them to the borders.

In reason of State, you have power, when they are there, to use them at the King's pay. If any of the lords can show a better, let them do it.

Town full of nobility; who will talk of it; he will make them smart for it.

except to accuse and to bring men into danger. But this, Sir, which I shall tell you, is that which works with me to an utter overthrow of his evidence. The first time he was questioned to that part which concerns the army of Ireland, he said positively, 'I cannot charge him with that.' Some days after, he was examined a second time, and then repeated that he could say nothing to that. Here we thought we had done with him, till divers weeks afterwards, my Lord of Northumberland, and all others of the Juncto, denying to have heard anything concerning those words of reducing England by the Irish army, it was thought fit to examine the secretary once more, and *then* he deposes these words to have been said by the Earl of Strafford to his Majesty,—'You have an army in Ireland, which you may employ here to reduce this kingdom.' Now he who twice upon oath, with time for recollection, could not remember anything of such a business, might well the third time misremember somewhat; and the difference of one letter, 'here' for 'there,' or 'that' for 'this,' quite alters the case: the latter, also, being the more probable, since all confess that the debate then was concerning a war with Scotland."

Lord Digby then proceeded to observe that the proof of that charge failing, he considered no other charge in the impeachment amounted to treason. "I do not say," he added, "but the rest may represent him a man as worthy to die, and perhaps worthier, than many a traitor. I do not say, but they may justly direct us to enact that they shall be treason for the future; but God keep me from giving judgment of death on any man, and of ruin to his innocent posterity, upon a law made *à posteriori*.

Let the mark be set on the door where the plague is, and then let him that will enter, die."*

Whoever reads the evidence now, when the spirit of partisanship has ceased to have any influence upon the judgment, and when it is no longer smarting under the inflictions suggested by the despotism of which the Earl was the advocate, must coincide in opinion with his assailant, who thus declared that the ground of his opinion against the Earl had "vanished away." Nor was that assailant alone in his retraction; for the most learned lawyer of his age, he who adopted for his motto, "Liberty concerning all things," and whom all nations concur in honouring, withdrew also from being a manager of the prosecution, and voted against the Bill of Attainder. The name of Selden occurs in all the committees appointed to search for precedents of attainders, preparing articles of accusation, holding conferences with the Lords, and other preliminary arrangements. He was even one of the committee of free conference with the Peers after the Earl had given in his answers to the charges, but then, convinced probably that the proofs had failed, his connection with the impeachment seems to have terminated. Clarendon says, that Selden was "*designed* by the House of Commons to be one of Strafford's accusers;" but Mr. Glyn, from the time just mentioned, occupied the station where Selden probably would have appeared.†

Selden had arrived at that sound conclusion even before he had heard the legal argument of Mr. Lane, and the admirable observations with which the noble prisoner concluded his defence; and he remained unchanged in

* Speeches of this great Parliament, 218.
† Rushworth's Trial of Strafford, 33—38.

opinion after listening to the replies of Glyn and Pym, and to the lengthy argument of Oliver St. John.

The address of Strafford was a master-piece of eloquence, in which, after annotating upon the evidence, and pointing out the danger of constructive treason, he concluded with this forcible appeal to the discretion and justice of his judges:—"May your lordships be pleased to have that regard to the Peerage of England as never to suffer yourselves to be put upon moot points, upon constructions of laws not clear, nor known. If there must be a trial of wits, I beseech your lordships that the subject may be something else than of your lives and your honours. The fear troubles me, that for my sins, not for my treasons, it may be my misfortune, that my precedent may bring that disadvantage upon the whole kingdom. My lords, I beseech you, do not through me wound the interests of the commonwealth. Do not put greater difficulty upon the Ministers of State, than that with cheerfulness they may serve the King and the State; for, if you will examine them by every grain, or every little weight, the public affairs of the kingdom will be left waste, for no man will meddle with them that hath wisdom, and honour, and fortune to lose.

"My lords, I have now troubled your lordships much more than I should have done, were it not for the interest of those pledges which a saint in heaven left me. I would be loth, my lords"—This remembrance of the deceased mother of his children was too much even for his undaunted spirit; tears came to his relief, but the sentence remained unfinished. After a brief pause he continued,—"What I forfeit for myself is nothing,

but that my indiscretion should bring forfeitures upon them wounds me very deeply. My lords, be pleased to pardon my infirmity; something more I should have said, but I shall not be able. And now, my lords, for myself, I thank God that I have been taught by his good blessing, that the afflictions of this present life are not to be compared with that eternal weight of glory that shall be revealed to us hereafter; and so, my lords, even so, with all humility, and with all tranquillity of mind, I do submit myself clearly and freely to your judgments; and whether that righteous judgment shall be to life or to death, 'Te Deum laudamus; Te Deum confitemur.'" He paused, and raising his hands and eyes to heaven, added, before he sat down, "In te, Domine, confido: ne confundar in eternum." Thus, adds one of his friends, did this great man deliver his defence, and with a grace so inimitable and peculiar to himself as wrought, for the time, admiration and compassion even in his enemies: and pity it is that it cannot be found in the power of art to rescue from oblivion that part of eloquence which consists in action. Even Whitelocke records, that never any other man acted such a part, in such a theatre, with greater reason, judgment, and temper, or with a greater grace in all his words and gestures, than did this great and excellent person; and he moved the hearts of all his auditors, some few excepted, to remorse and pity.*

* Nalson, II. 123; Whitelocke, 43, &c. Denham, probably a spectator of the trial, says—

"So did he move our passions, some were known
To wish, for the defence, the crime their own.
Now private pity strove with public hate,
Reason with rage, and eloquence with fate."

Among the few thus excepted was the stoical Baillie; for though he admits that of the Earl's "speech full two hours and one half long," the concluding half hour was pathetic "as ever comedian did upon the stage," and that "doubtless, if he had grace or civil goodness, he is a most elegant man," yet the old Scotch Principal descended to misinterpret and belie the dauntless victim before him. "One passage made the speech most spoken of; his breaking off in weeping and silence, when he spoke of his first wife. Some took it for a true defect of memory; others, and the most part, for a notable part of his rhetoric; some, that true grief and remorse at that remembrance had stopped his mouth; for, they say," (such is the usual prelude to a lie which the retailer disbelieves whilst he circulates), "they say, that his first lady, the Earl of Clare's sister, being with child, finding one of his whores' letters, brought it to him, and chiding him therefore, he struck her on the breast, whereof shortly she died."

Glyn and Pym wisely requested an adjournment for half an hour, before they entered upon their reply, for this delay would be of as much importance to them in calming the excited feelings of their auditors as in allowing them time to arrange their course of argument. That argument failed in establishing their point that any or all of the Earl's offences amounted to treason, and if they had succeeded in shaking the confidence of any one in the correctness of this conclusion, that confidence must have been re-established by the able argument of the Earl's leading counsel, Mr. Lane. He showed beyond all power of refutation, that acts of injustice, committed ignorantly or even maliciously, do not in any legal sense

amount to a subversion of the laws or to treason, otherwise probably every judge might be proved a traitor, for to err was an incident of man's nature. To Mr. Lane's argument and precedents the House of Commons vouchsafed no reply, pretending as an excuse for their inability to confute, that it was beneath their dignity to argue against a private lawyer.*

It cannot be denied that Mr. Pym's speech was an able though too diffuse pourtrayal of the consequences arising from arbitrary government, nor that his arguments against excuses for evil, grounded on necessity and policy, are sufficiently cogent, and his peroration most bitter against his friend of former days. "Nothing can be more just," are his words, "than that he should perish by the justice of that law which he would have subverted; neither will this be a new way of blood, for there are marks enough whereby to trace this law to the very original of the kingdom; and if it hath not been put in execution, as he alledgeth, for 240 years, that is because that during that time a man hath not been bred bold enough to commit such crimes as these."

He would have proceeded in the same keen tone, pressing for the Earl's life, but that "to humble the man, God let his memory fail him: his papers he looked on," adds a friendly eye-witness, "but they could not help him," so he hurried to a close.†

Pym was too practised an orator to have been confused from mere failure of memory, and we may believe, therefore, that his self-command wavered as his eye met the indignant and reproachful glance of Strafford,‡ and that the remembrance of former friendship, and the very

* Clarendon, I. 178. † Baillie's Letters, I. 348. ‡ State Trials.

aspect of greatness struggling so magnanimously against adversity may have subdued, for the time, even "the gravity and animosity" of Pym.

These arguments occupied the whole daytime of the 13th of April, but the Commons had predetermined not to press for judgment upon the articles of impeachment, and had introduced, three days previously, the bill of attainder against the Earl, which has been mentioned already; a harsh, but by no means an unusual course, being, as Blackstone well defines it, a new law, to all intents and purposes, made *pro re natâ*. This bill has been already noticed as having passed the House of Commons on the 21st of April, 204 votes being in its favour opposed by only fifty-nine, and it was immediately carried up to the House of Lords by Pym "with special recommendation for expedition in regard of the importance of the bill, and that the House was ready to justify its legality if required." The Lords did require this justification, and on the 29th, Oliver St. John was heard at their bar in its support.* His speech, of three hours duration, has been ridiculed by some as replete with curious erudition, and some portions have been justly condemned as barbarous; but as a whole, it was sound and convincing. He failed in showing that any of the articles amounted to treason, but he clearly established the legality of the bill of attainder, citing many

* Rushworth, IV. 58. Baillie (I. 348) says that Lord Savile, "one of the stoutest lords in all England for the country and our cause at first, but since we made him a councillor, clearly the Court-way for Strafford and all his designs; thought the *receiving* of the Bill into the House prejudicial to the privilege of the Peers." It resulted in a quarrel between him and the Earls of Essex and Stamford; but no duel ensued. The introduction of the Bill was certainly declining to abide by the decision of the Peers as Judges.

precedents in its support, and concluding by observing—"We receive, as just, the other laws and statutes made by our ancestors; they are the rules we go by in other cases; why should we differ from them in this alone?"

It is recorded that, during its delivery, the Earl by his gestures "expressed greater eloquence than marked this prolix discourse," but he was refused the liberty to reply. That refusal was unjust, for parties being heard in support of the bill, he also should have been heard in opposition, who was so fatally interested in its rejection.

It must for ever remain uncertain whether when St. John closed his address a majority of Peers were resolved in favour of the Earl's death, for on the 1st of May, with the usual illfortune of the Stuarts, Charles precipitated the fate of the friend whom he so earnestly desired to save. On that day he came to the House of Peers, and having summoned the members of the Commons, thus addressed the assembled legislature:—

MY LORDS AND GENTLEMEN,

I HAD not any intention to speak of this business, which causes me to come here to-day, which is the impeachment of the Earl of Strafford, because I would do nothing that might hinder your occasions; but now as it comes to pass, that of necessity I must have part in that judgment, I think it most necessary for me to declare my conscience therein. I am sure you all know that I have been present at the hearing of this great business, from one end to the other; that which I have to declare unto you is shortly this, that, in my conscience, I cannot condemn him of high treason.

It is not fit for me to argue the business: I am sure

you will not expect it. A positive doctrine best becomes the mouth of a prince. Yet I must tell you three great truths; which I am sure nobody can know so well as myself:—First, That I never had any intention of bringing over the Irish army into England, nor ever was advised by any body to do so. Secondly, There never was any debate before me, neither in public council nor at private committee, of the disloyalty and disaffection of my English subjects; nor ever had I any suspicion of them. Thirdly, I was never counselled by any to alter the least of any of the laws of England, much less to alter all the laws. Nay, I must tell you this, I think nobody durst ever be so impudent as to move it to me; for if they had, I should have put such a mark upon them, and made them such an example, that all posterity should know my intention by it; for my intention was ever to govern according to law, and not otherwise.

I desire to be rightly understood: I told you, in my conscience, I cannot condemn him of high treason, yet I cannot say I can clear him of misdemeanor; therefore, I hope that you may find a way for to satisfy justice and your own fears, and not to press upon my conscience.

My lords, I hope you know what a tender thing conscience is. Yet I must declare unto you, that to satisfy my people, I would do great matters; but, in this of conscience, no fear, no respect whatsoever, shall ever make me go against it. Certainly I have not so ill-deserved of the Parliament at this time, that they should press me in this tender point; and therefore I cannot expect that you will go about it.

Nay, I must confess, for matter of misdemeanor, I

am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my Lord Strafford is not fit, hereafter, either to serve me or the commonwealth in any place of trust; no, not so much as that of a constable. Therefore, I leave it to you, my lords, to find some such way as to bring me out of this great strait, and keep yourselves and the kingdom from such inconveniences. Certainly, he that in his conscience thinks him guilty of high treason, may condemn him of misdemeanor.*

This speech was delivered at the suggestion of the Earl of Bristol and Lord Savile, who, if they had been Strafford's most subtle enemies could not have devised for him an act of greater disservice. Even in his last pathetic letter to his master, among other outpourings of the heart, he records his wish that his Majesty might have been pleased to spare "that declaration on Saturday last."† But the well-intentioned act was then irrevocable—the privileges of Parliament had been violated; the King, to save the most arbitrary of ministers, had dared to disregard all Parliamentary rules, had endeavoured to prevent the Peers from sanctioning a Bill passed by the Commons; and the unanswerable questions must have risen upon the minds even of Strafford's best

* Journals of the House of Lords.

† Clarendon says that the King took this imprudent step by the advice of Lord Say, and despite a request from Strafford that he would not do that which would assuredly be to his prejudice.—*History of the Rebellion*, I. 201. The authority for the two other Peers being the advisers of this proceeding, is the Queen's Chaplain. See his letter, *Rushworth's Trial of Strafford*, 751. The Peers very justly objected, that "If his Majesty might take noticeof what Bills were passing in either House, and declare his own opinion, it was to forejudge their counsels, and was the greatest obstruction of justice could be imagined."

friends among the Peers; "Why is this breach of our privileges?—why endeavour to check the free exercise of our votes?—why not wait to exercise his own prerogative and reject the Bill if we pass it?"

"The Commons returned to their House in great malcontentment, and Mr. Pym, lest they should break out in some rash distemper, advised the House to adjourn till Monday, without speaking of any purposes. His counsel was followed."*

The intervening day unfortunately was the Sabbath, which, instead of being considered by Strafford's enemies a day of rest from the "way of blood," gave them an opportunity of rousing the people clamorously to demand the life of "the great delinquent." Even Whitelocke confesses that this was the case. "This day, being Sunday," he says, "from some pulpits was preached *the necessity of justice upon some great delinquents now to be acted.*"† "And the next day,"—this is his record of the consequence of these addresses, "an armed rabble numbering 5 or 6000 assembled in Palace Yard, and took possession of the entrances to the House of Parliament, stopping every carriage, with hideous cries for *Justice and Execution.*" These words became the cry of the rioters, and were made a kind of test for every Peer

* Baillie's Letters, I. 351.

† Whitelocke's Memorials, 43. The Court was occupied this day in celebrating the marriage of the King's eldest daughter, Princess Mary, to the Prince of Orange. "The Prince of Wales and Duke of York led her to the chapel, convoyed with a number of ladies of her own age, of nine and ten years, all in cloth of silver. The Prince of Orange went in before, with the ambassadors, and his cousins, Tremouille and Nassau. The King gave him his bride. Good Bishop Wren made the marriage. At night, before all the Court, they went to bed, in the Queen's chamber. A little after the King and Queen had bidden the bridegroom good night, as their son, he, as it was appointed, arose and went to his bed in the King's chamber."—*Baillie's Letters*, I. 351.

as he arrived. "The Lord Steward (Earl of Arundel) arriving, some of the most insolent stepped up, demanding of him "Justice and Execution," and adding "Justice we have already; we desire execution, and will have it." He replied that "They should have justice, if they would have patience;" but they rejoined, "No, we have had, already, too much patience: longer we will not stay, and before you part from us we will have a promise of execution." He told them he was going to the House for that purpose, and that he would endeavour to content them: "whereupon some of them cried out, 'We will take his word for once;' and so, with difficulty enough, he got to the House."*

The Peers continued sitting until twelve o'clock, and then most of them returned from the House by water, but a few, among whom were the Earls of Holland and Bristol, undauntedly again entered their carriages. When the first named, a courtier and Lord Chamberlain, was recognised by the crowd, their cries were redoubled; but some running up to the coach of the other said—"For you, my Lord of Bristol, we know you are an apostate from the cause of Christ, and our mortal enemy. We do not crave justice, therefore, from you; but shall shortly crave justice on you and your false son, the Lord Digby." Some of them more violent even than the rest traitorously threatened, "If we have not Strafford's life, we will have the King's;" whilst others, little thinking they were preserving them for the respect of future ages, posted lists of those who had voted in the House of Commons against the passing of the Bill of Attainder, entitling each list "These are Straffordians,

* Nalson, II. 188.

betrayers of their country," and adding as a commentary ;—"These and all other enemies of the commonwealth should perish with Strafford."*

The House of Commons was not behind in promoting the popular agitation ; and even the House of Lords sustained them by joining in signing a protestation, afterwards circulated throughout England, with the significant intimation, that those who refused to subscribe it, would be noted as disaffected to the Parliament. The preamble of this protestation declares, as facts, such circumstances as it was known would kindle the popular fury—the increase of Popery, the dangerous practices against Protestantism, that "even during the sitting of Parliament, endeavours were being made to subvert the fundamental laws," with vague allusions to "wicked councils, practices, plots, and conspiracies ;" the sufferings of the people from illegal taxations ; jealousies fomented ; the Popish army in Ireland ; two other armies consuming the very bowels of the nation ;

* Nalson, II. 188 ; Parl. Hist. IX. 288. The following are the names that were thus basely held up to public execration. It is true that fifty-nine really comprised the minority, but only fifty-six were thus posted ; whilst Nalson and Rushworth enumerate two or three less ; of the fifty-six, one or more were erroneously inserted, as in the case of Sir John Strangeways, who was not in London :—Lord Digby, Lord Compton, Lord Buckhurst, Sir Thomas Fanshaw, Sir Robert Hatton, Sir Edward Alford, Sir Nicholas Slanning, Sir Henry Slingsby, Sir William Portman, Sir Thomas Danby, Sir George Wentworth, Sir Frederick Cornwallis, Sir William Carnaby, Sir Richard Winn, Sir Gervase Clifton, Sir W. Widdrington, Sir Peter Wentworth, Sir William Pennyman, Sir John Strangeways, Sir Patricius Curwen, Sir Richard Lee, Mr. Gervase Holles, Mr. Sidney Godolphin, Mr. Cook, Mr. Coventry, Mr. Kirton, Sergeant Hyde, Mr. Taylor, Mr. W. Weston, Mr. Griffith, Mr. Scawen, Mr. Bridgeman, Mr. Fettyplace, Dr. Turner, Mr. Pollard, Captain Price, Mr. Trevanion, Mr. Jean, Mr. Edgecumbe, Mr. Ben Weston, Mr. Selden, Mr. Alford, Mr. Lloyd, Mr. Herbert, Captain Digby, Captain Charles, Dr. Parry, Mr. R. Arundel, Mr. Newport, Mr. Holborn, Mr. Nowel, Mr. Chicheley, Mr. Mallory, Mr. Porter, Mr. White, Mr. Warwick.

and an endeavour to bring one army against the Parliament. To thwart these designs, the protestation pledged the subscriber to defend "the doctrine of the Church of England," the King, the power and privilege of Parliament, and the rights and liberties of the subject. "The bishops have put their hands to it," says Baillie, "and we like it all the worse," because it implied, that by maintaining the doctrine of the Church of England, they understood that Episcopacy was to be sustained. It is now quite clear that many of the particulars in that preamble were based on truth. There is no doubt, from existing documents, that the Court of France was pressed to make an armed demonstration in favour of the royal prerogative. "The good King and Queen," said the confessor of the latter, writing to Mr. Montague, at Paris, "are left very naked; the Puritans, if they durst, would pull the good Queen in pieces. Can the good King of France suffer a daughter of France, his sister, and her children, to be thus affronted? Can the wise Cardinal (Mazarine) endure England and Scotland to unite, and not be able to discern, in the end, it is like they will turn head against France? A good stirring ambassador might do good here."* It is not probable that the Court of France would have been hurried into an invasion of England to save the life of a peer, but it is evident that hope even lingered in that direction.

* This letter was written by Father Phillips, May 6, 1641, and was intercepted by the Parliament. Mr. Montague is described by Clarendon as "much trusted by both their Majesties, and was thought to have a very good place in the favour of the Queen Regent (of France), and in the opinion of the Cardinal." Mr. Pym, at a conference with the House of Lords, on the 4th of May, told them that "the French were drawing down their army in all haste to the sea-side."

More active measures were taken amongst Strafford's own countrymen for the same purpose. The army at York, we have seen, in a letter already quoted, were daily becoming more friendly to him, and as clamorous for pay, as the country people (on whom the soldiers were billeted,) became more distressed, and more urgent for remuneration. These, and other matters of public interest, are so fully commented upon in the letters which follow, that the series is inserted without interruption, though by so doing we somewhat outrun the current of events.

TO THE RIGHT HONOURABLE MY SINGULAR GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, AT HIS LODGINGS, AT THE SARACEN'S HEAD, IN KING STREET, WESTMINSTER.

MOST NOBLE LORD,

THOUGH I suppose my lines unnecessary, if not troublesome to your lordship, that hath all actions represented by clearer intelligences; yet my affection, which is in continual motion towards your lordship, must still assume some pretence to present me to your lordship, seeing I cannot yet get out of this troublesome country to give my personal attendance, which I have much desired. By the last post I intended to have writ, but hearing of a letter from your lordship, which Mr. Lawson had sent home to my house, thinking I had been gone home, I delayed till Mr. Mauleverer* went, who now returns to the Parliament.

* Probably this was Sir Thomas Mauleverer, member for Boroughbridge. He was one of the High Court of Justice, and signed the death-warrant of Charles the First.

Since your lordship's letter, which Mr. Lawson brought down in March, there hath been a muster taken of this army, and all the companies viewed, both by the Muster-master General or his deputies, and by some select gentlemen of the country. I cannot well judge why the gentlemen were joined in that service, unless it were to discern and make a certain computation what money was due to the country for billet, and how much to every village. This, if it were intended, I fear is not so exactly certified, but that many particular persons, and some whole villages will be losers, either through ignorance or neglect of constables; or because that many soldiers who, at the time of that muster, were either dead or run away, were, before their death or running away, kept for many weeks by their hosts, who are not yet paid, nor like to be hereafter, if it have not been very cautiously certified. For the number and strength of the army, it is evident to your lordship, the certificates being all returned to you by those that mustered them. Yet your lordship, who hath seen service abroad, could not but observe the ways by which commanders use to help themselves upon the like occasions; and your lordship will easily believe that the like acts have been used here, and indeed it cannot be prevented, if they list to attempt them, without insufferable distaste be given to the commanders.

Upon that muster they had a month's pay; and it seems some information is given to the Lord General (Earl of Newcastle) that the country billetters had not their due paid out of it by the captains, which may in some particular places happen, because that month's pay was for the month ending 8th January, and since that

time many companies have been necessitated to remove into other quarters; and now the hosts where they are billeted expect payment out of this pay, and complain if they have none: and on the other side, the old hosts that kept them in December, if they do not rightly understand the case, and send for the month's billet, may peradventure be neglected by some particular captains, and so occasion just complaint. But I perceive the country think themselves generally wronged in this, that the captains do pay them only after the rate of two shillings and sixpence a week for each soldier's billet, whereas three shillings and sixpence was promised and expected; and this will also cause a just and great complaint, for in the whole the difference will amount to a very great sum of money.

Since that muster taken, they have been all fearful of disbanding without pay.; and that fear begot the letter sent us by Captain Chidley; and greater distempers were likely to arise, insomuch that many men feared they would have given their men free quarter in the country, and there were rumours spread abroad that the Scots intended to possess themselves of Yorkshire, and some probable causes of the report were dispersed with it, so that many of the soldiers judged it a providence to seize upon York and Hull, to keep out the Scots. These clouds swelled bigger by some inquiry made among the captains, to understand how they stood affected in these dangerous times, which was at first supposed to be from the King, but in the end discovered to be upon some private man's directions, and peradventure out of a needless curiosity. But these grounds occasioned a general consultation of the

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commanders at York, this Assize-week, where most part of them were; and what resolutions it might have brought out is not known to me, for very happily they met with advertisement that the Parliament hath provided 120,000*l.*, which is speedily to come down to pay the commanders in full, and the surplus of pay due to the common soldiers, besides the billet due to the country, which I perceive cannot yet be paid. This care and providence of the Parliament hath settled those fluent humours of the soldiery, and dispersed those mists which the country feared would have fallen upon them in bitter showers; and the expectation of the Portugal voyage doth not a little conduce to the quieting of many of their spirits.

Now, my lord, if the army be disbanded and the billet-money left unpaid, there is no question but many men will be fearful of losing it, yet to continue them here without pay till subsidies can be raised to pay the billet, will in the mean time double the charge, and leave the country still in the same state it is, that is, unpaid; and, what is worse, constrain them to bear the army still upon trust, which truly they cannot without utter ruin, for the face of the war which hath but looked on us, doth already unsettle the industry of the country; and the continuance of it in this manner with an unpaid army, which is an enemy to all countries, will quite dishearten the laborious subject, and invite the looser sort to follow the ways that will protect them in spoil. And therefore the continuance of any companies at all must be avoided, if the felicity of the subjects, and the wealth of the land, be intended; for certainly, this kingdom is yet of such a frame and

constitution, as cannot admit of armies nor war within it, without hazard of destruction. And the people here do generally of the two evils choose the less; and so they will all declare, if it be put to them, that it is to have both the armies (English and Scottish) disbanded, and stay for the billet till the Parliament can provide for them. Yet certainly it will be a great hindrance to many families (I mean the forbearance of the billet), for when the soldiers came first, many poor people and alehouse keepers of small stock were willing to entertain them, in hope of benefit; and now they have run out their own stock, but are deeply engaged to others, both for corn, malt, flesh, and other articles. In that regard it will not only be needful that a proclamation come down to assure the people of the time and manner of their payment, but also that some monies be taken up, either of the rich trading towns in this county and other parts of England or else at London, and with it to discharge one-half of the billet to enable the poorer sort this summer in their vocations, and encourage all men else with hopes of true payment of the remainder at Michaelmas. And then the number of subsidies, which I perceive must be eight at least, will at first seem a terrible charge to the country, but of them there is an unavoidable necessity, to which all men must submit, and this country* must bear its share, unless your lordship, with the rest of your assistants, can make the House sensible of the great loss generally sustained by the insolvencies of the army, and in that regard procure the country to be wholly exempted from paying

* In many other places Mr. Stockdale uses the word "country" instead of "county," which is here intended.

the four last subsidies. Or, if that be impossible to be obtained, then to get the business so ordered, that before any subsidies be paid here, the country may receive the billet-money the better to enable them to pay; for the billet is indeed for the most part due to the subsidy-men who are forced to credit the poor hosts, and they to credit the soldier.

And though the Ship-money be condemned by both Houses, and entry peradventure made of their judgment, repealing their former judgment against the subject in Mr. Hampden's case; yet I conceive it would give great satisfaction to the common people, and all men else in general, and be an encouragement to them in paying their subsidies, if an act declaratory were passed in the Parliament, and published in print; for the subjects declare against that and all other the like charges hereafter.

And I assure your lordship, it will be no small encouragement to the subject, to see justice done upon that great engine the Lord Strafford, who hath in a manner battered down their laws and liberties, and levelled them with the most servile nations. His friends are all hopeful and almost confident of his deliverance, yet methinks it is impossible that good language and elocution can wipe off the guilt of his crimes. Rich apparel makes not beauty—it only dazzles weak sights. Injustice and corruption have been punished in this land with death, and certainly oppression and tyranny in such a high strain as they are charged on him, are offences of a transcendant nature, and deserve punishment (if any there were) greater than death, and confiscation of estate. The country generally, and

especially those well affected in religion, are sensible that to bring him to trial for his offences hath already cost them 600,000*l.** and now (your lordship will conceive) if he should by any artifice escape a deserved censure of the crimes proved against him, the people will be extremely discontent and murmur against it; and, besides, it is hoped that the confiscation of his estate and others that are delinquents, will either pay the Scots or stop some other gap made by these turbulent times.

Upon Wednesday the 21st of April, we have appointed to meet, and assess the subsidies here in Claro, of which I shall give your lordship further account by the next. In the mean time I hope your lordship will pardon these tedious lines; and I shall wish much increase of honour and all happiness to your lordship, and remain,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

10*th April*, 1641.

TO THE RIGHT HONOURABLE MY ESPECIAL GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, AT HIS LODGING IN KING STREET, AT THE SIGN OF THE SARACEN'S HEAD, WESTMINSTER.

MOST NOBLE LORD,

YOUR lordship's letter of the 4th of May came to me in Lancashire, where I then was about the bringing home of my wife and children, which I have done, in hope that the army would have been disbanded at the end of the month which concluded 16th May: and

* The expense of maintaining the two armies.

then leaving my family at home, my resolution was presently to have taken my journey to London. But now beyond our expectations, we find the army continued here for a new month; and the soldiery, so very imperious, as my wife will by no means consent to have me leave her alone amongst them. No argument can remove her fears, so that I am now hopeless of seeing your lordship at London (which I much desire) until the army remove.

I received with much joy the protestation of the House sent to me by your lordship, and do most heartily join myself in it, as a matter mainly conducing to the preservation of our religion and state. I was always of opinion, and so I expressed myself to Mr. Bryan Stapleton and some others, well affected, before the Parliament begun, that such an association must be made, both to prevent the breach of the Parliament, and also to distinguish the subjects' affections; and now I am full of hope that we shall enjoy our religion and laws inviolate, seeing we resolve not to suffer them to be altered. I am persuaded the whole kingdom doth willingly embrace the protestation, the Catholic party only excepted, and I think also it will decline the number of them; for in Lancashire I was told by some of the ministry there, that divers recusants of mean estate did already resort to the church, who had absented themselves for many years. I could not impart the protestation to Sir Henry Goodrick till my return from Lancashire, but I have now been with him; and he tells me he likes it well, and will join in it. He showed me that he had received it printed by some directions from your lordship, for upon the paper his

name was written with your lordship's character.* The exceptions against it are of no moment; and if some order were sent to have it publicly tendered to all manner of people, in churches or some such other assemblies, it would be generally embraced; and a list of the refusers' names should also be made up at every meeting, that so the strength of the adverse faction might appear.

Now the Earl of Strafford is removed out of the way, I suppose the other business of the kingdom will receive freer passage and quicker dispatch; and amongst the rest, that great question about ecclesiastical discipline and government of the Church by bishops, &c. I hear the House inclines to remove, or at least to reform them; and the King (as it is said) is nice in accepting their temporalities; and therefore I think it would be an act worthy of that great council, to redeem the tithes from the laymen that hold impropriations, and to give them those lands of bishops, deans, and chapters, in lieu of them, and bestow the tithes upon the Church again. I am persuaded those lands would be sufficient to repurchase all the tithes, and then the ministry would be well provided of maintenance, if an equal division be contrived of the parsonages, because they differ much in value.

Upon Monday last my wife and I were invited to dine at Harry Benson's, and we went, and there met Sir Francis Trapps, Mr. Robert Trapps and his wife, Mr. John Plumpton and his wife, and a captain of his regiment, and Mr. William Hill, that hath relation of service

* The Goodricks of Ribstone Hall were great sufferers for their loyalty. The Sir Henry here mentioned died in the July following. His son was afterwards Lieutenant General of Ordnance, and Envoy from Charles the Second to the Spanish Court.

to your lordship. After dinner I perceived Harry Benson having got Mr. Hill apart, begun to bluster out that the town of Knaresborough were about to petition the Parliament against your lordship, touching some monies raised for the trained soldiers of that town, for which a lay (ballot) was cast, and your lordship signed and subscribed some directions to the lay-bill. I coming accidentally to the discourse, wished Mr. Hill (who seemed moved with it) not to trouble himself, for I conceived it a matter of no importance; and that if Mr. Benson should attempt anything in it, I would procure more hands of the town to subscribe a petition in contradiction, (declaring that the town was not grieved with any such matter, nor did not complain of it,) than he should procure to subscribe his request, with which Mr. Benson was something moved, but passed it over in a jesting fashion. What he shall attempt I will counterwork, if I hear of it any more. But however, though he never move further in it, I apprehend the proposing such matter to proceed from an ancient cankered ill affection in him to your lordship.* The next week we meet about the

* Henry Benson did not profit by his enmity to Lord Fairfax; for he was expelled from the House by a vote, on the 2nd of the November following, and declared unworthy and incapable of ever sitting in Parliament, for selling Protections to men who were not his household servants. The rapid changes at this time in the representation of Knaresborough are rather particular. Mr. Benson's coadjutor was Sir Henry Slingsby, Bart., who, in the words of his memorialist, "after fourteen weeks' attendance in the stormy atmosphere of Parliament, returned to the superintendance of his buildings and other domestic avocations," and does not appear to have taken his seat again, for he was voted, September 6, 1642, unfit for Parliament, because he neglected its duties, and had signed an offensive petition. In his place, Mr. Stockdale, the writer of the above letter, seems to have been elected. The successor of Mr. Benson was William Deerlove, Esq., but his election was declared void, and Sir William Constable, Bart., was returned in his place.

taxing of the two later subsidies; the other two, for the most part, are collected in this wapentake. The collector told me the last week, that he had then above 400*l.* ready to pay to Mr. Metcalfe of Leeds, by whom he returns his moneys to London; the rest he may peradventure be longer in gathering, because the most solvent men have paid already, and the remainder is either due from ill paymasters, or absentees, who will pay much in certificates. For the advancing of our subsidies here I hold it no charge at all to the country, being done with equality amongst ourselves, and all other parts of the kingdom proportionably advanced; for as the subsidy is greater, so it will come seldomer, and fewer subsidies will serve to supply the occasions of the state; but if we should here begin to advance before the kingdom do the like in every place, we should make ourselves to bear their burthen: and howsoever, these parts of the country must now be favoured, for the burthen they sustain at this instant is grievous and chargeable, which I know your lordship and your worthy assistants do well consider, and will get redressed in due season. I shall here conclude these lines, wishing unto your lordship much increase of honour and happiness, and am

Your lordship's

Most faithfully devoted servant,

THOMAS STOCKDALE.

27*th May*, 1641.

TO THE RIGHT HONOURABLE MY ESPECIAL GOOD LORD, THE LORD FAIRFAX.

MOST NOBLE LORD,

I NEGLECTED writing to your lordship the last week, upon a report of your lordship's coming home, which was spread in the country; but sending on Friday last to enquire of the certainty from your servant, Mr. Lawson, my man brought me your lordship's of the 8th of this month, which, though it robs me of my hopes of seeing your lordship, yet it enricheth me with the assurance of your lordship's welfare, which to us, your servants in these parts, is a jewel of no small price, and dearly affected.

Upon Monday, the 2nd of June, we taxed to two last of four subsidies in Claro; and yesterday we delivered the estreat to Francis Day and William Hardisty, two of the forest, whom we have made head collectors jointly. Mr. Ingleby took upon him to make up the books for these two subsidies, and by his account, they amount to 482*l.* 9*s.* 2*d.* The two former subsidies, of which Sir Henry Goodrick made up the books, did amount, by his account, to 485*l.* 4*s.* So that your lordship will perceive they do not amount to so much as heretofore hath been raised in Claro; yet, I see it is easy to raise them to the ancient height, when the soldiers shall be taken off us, and the rest of the kingdom shall consent to raise their shares generally to the like proportion. Upon Monday last, being the 14th of June, I received from Mr. Ingleby the order from the Parliament, and the letter from your lordship and

Mr. Bellasis,* concerning the soldiers' billet due to the country. They had till that time wandered in the south parts of the West Riding, and nothing done in them that I could perceive; for they came to me without any direction or appointment for effecting the service. So I sent them immediately to Mr. Marwood, with whom they had not been till then; and I writ to him, desiring a speedy meeting to order that service; but he was not to be found, so my man left them with Mrs. Marwood, and I never heard from him until yesterday. We met, and Mr. Ingleby also, and made warrants to the head constables to cause the petty constables, with assistance of some of the ablest inhabitants in every constabulary, to make up a true certificate of the names or numbers of officers and soldiers, and of what regiment they were, that have been billeted with any of the inhabitants of their constabularies, respectively, the year last past; and what is due and unpaid for their diet at that day they make certificate, according to the agreement or promise of the captains or soldiers when they were first received by the country; and to bring them us at Burrowbridge, on Monday next. For I could not persuade Mr. Marwood to meet at Knaresborough, because he hath business into the North which drew him that way; and I thought it convenient to have the assistance of a Justice of Peace in it; and there is none I could rely on but himself. We rather fell upon this course, not joining with the commanders, because I perceive the captains are in every place making up the

* Henry Bellasis, Esq., was returned with Lord Fairfax, to represent the county of York. He was disabled from sitting in Parliament, September 6, 1642, —having joined the Royalists.

billets and call both the hosts and soldiers to them, but do not call us to join or assist in the service, although the order in Parliament imports that they ought to have joined with us in it; so they declining us, we think it duty both to the House of Parliament and our country, to endeavour our neighbour's indemnity. We long to see the armies speedily disbanded, to prevent mutinies and other ill consequences of an idle, undisciplined, and unpaid army; for I know your lordship hears how they have murdered Captain Wythers at Hull, and taken the block-houses to secure themselves, till they constrain a pardon for their barbarous fact; and all parties of the country have the same occasion to fear the like mischiefs that hath befallen Hull. We are generally most confident of the care of the House to ease the country, though we know you meet with impediments in so great and important a work, both from the right hand and from the left; but the delay begets panic fears in those which have no other direction but some rumour to guide their opinions; so that many say we shall not be eased of the army this summer.

Our Parliament man of Knaresborough (Mr. Benson), hath been here above eight weeks; it seems there is no great want of his assistance in the House. The last week I met him, and asked him what he had done in the petition for the town about their military charges. He told me that the town let the matter rest; and that he was the only man that dissuaded them from proceeding in it; so I conceive he finds it will amount to nothing, and therefore waives the pursuit of it. I have got copies of some letters of his which I intend to show your lordship, as soon as I can have the happiness to see

you, either there or here; that if they will conduce to any good purpose, there may be use made of them, though truly, in my own opinion, I find not much exception that can be taken at them.

By the next post, or sooner, if we can get fit conveyance, your lordship shall receive the certificates touching the billet-money in this wapentake. In the mean time, I present my humble thanks for your lordship's many and noble respects bestowed on me, that am, perpetually,

Your lordship's

Most faithfully devoted servant,

THOS. STOCKDALE.

June 18, 1641.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD THE LORD FAIRFAX.

MOST NOBLE LORD,

THE last week, by the post, I acquainted your lordship with the progress of the order from the Parliament for certifying the billet-money; and upon Monday last we met at Burrowbridge, and there the country brought us in certificates, which were so lame and imperfect, as are unfit to be returned to the House. In some of them neither captains, colonel, nor number of soldiers mentioned, nor what time the billet-money was due for; and the constables that brought them were in many places, so ignorant, as they could not instruct us in such things as we demanded and thought necessary for the service, so that I think we shall be constrained either to call them again, or else advise with the commanders to rectify the errors. To that purpose

Mr. Ingleby and myself went to Ripon yesterday, but missing of Sir Jacob Ashley,* we writ to him, to understand if any direction were come to supersede the former, whereby the commanders were appointed with our assistance to make certificates of the billet-money due to the country; or if he thought it fit, to give them directions to that purpose. To which I even now received his own answer, that he and Sir John Conyers, and the paymaster, have already sent letters to the gentlemen of the country, and published orders, which he supposed we have seen, (though indeed I never saw them,) and therefore, he needs give no new order in that business.

I perceive the fear, that this way should be intended in nature of a private muster to discover the strength and number of each company, hath caused some opposition in returning the due numbers of soldiers in some places: and for the rates of diet, I find that the country generally do not exceed the rate of 2*s.* 6*d.* the week, unless it be in very few towns, and in places where captains put soldiers to be billetted by such persons as were not willing to provide them diet; and there the party, by the captain's order, pay 3*s.* 6*d.* a week to the soldier in money, which, in my opinion, ought to be repaid the full sum, though it be something opposed in Knaresborough by the captain and soldiers. What is due for drink or such like voluntary credit, we do not intend to certify, unless the host and

* This officer had then the command of the English army, and was devoted to the King. He was a thorough soldier, had served in the Netherlands and Sweden, and remained firm in his allegiance under every reverse. He was created Baron Reading by Charles. He died in 1651.

soldier both agree to it. And what is due by the captains and officers, unless it be in some few places, we do not certify, because it is opposed by the captains, and in particular of that kind, one Captain Crofts of the Lord Newport's regiment came to us at Burrowbridge, and there did so threaten them of Stavely about that particular, as they durst neither give us certificate of that, nor of any other demands; and we that sat to receive the certificates did not escape his menacing language. And Captain Kirton, another of my Lord Newport's regiment, in a menacing manner told them of Usborne, that demanded allowances for necessaries and billet taken by himself and his officers, that if he did not restrain his company, they would come and pull down the town.

And seeing the exact certificate cannot yet be made up, I have extracted a brief of all the billet-money, which I here enclosed send, and I hope it will serve in some reasonable manner to give satisfaction to your lordship, and Mr. Bellasis, and any other whom you shall think necessary to make it known unto, for the good of the country. For I suppose some direction must be given to make stay of so much out of each commander's pay as is due to the country for them; wherein this abstract will be a reasonable good direction till the larger certificate be made up, which shall be as speedily as we can. And in the meantime, I make tender of my observances to your lordship, and remain,

Your lordship's
Most faithfully devoted servant,
THOMAS STOCKDALE.

25th June, 1641.

Before I sealed up this letter I received your lordship's of the 22nd of June, and am not a little afflicted to hear of your lordship's indisposition, in that which I pray heartily may be speedily restored. I could wish your lordship the benefit of the fresh air and recreations of the country, if the presence of the army here did not occasion so many distempers, as it would allow your lordship little quiet. But yet I think it would much conduce to your health, if your lordship should retire to Windsor or Hartford for a while, until the malady were settled and the humour abated which now afflicts you. The close air in London, and your lordship's sedentary course in Parliament, are both of them enemies of your health, and must for a while be avoided.

CHAPTER IV.

Goring's Plot—The King tampers with Hyde—Mr. Percy implicated—Efforts to save Strafford—Attempt to effect his escape—Peers linger over the Bill of Attainder—It is passed—The King's consultations with the Bishops and others—Dr. Juxon's faithful advice—Strafford's Letter to the King—The Queen presses for his execution—Charles gives his assent—Consequent resignation of his Councillors—The People surprised at the consent—The King's extreme sorrow—The consent announced to the Parliament—Copy of the Bill of Attainder—The King's weak attempts to save Strafford—Consults Denzil Holles—Writes to the Peers—Their answer unfavourable—The King's consent communicated to Strafford—His fearless preparation for death—His farewell Letters to his Secretary, and Sir G. Ratcliff—His Letter of forgiveness to his Judges—His last Letter to his Son—Archbishop Usher attends him—His anxiety for his friends—Wishes to have a parting interview with Laud—The morning of his Execution—Progress to the Scaffold—The closing scene—His Character and Habits.

THE "inquiries made among the captains to understand how they stood affected," noticed in the last Chapter, though made through private channels, had their origin from the Court, and probably were connected with that negociation, or conspiracy, which had for its object Strafford's rescue. This plot, usually known as Lord Goring's, because he was the chief evidence, so implicated many of the royal household, that both Houses united in addressing the King and requesting his command that none so employed should leave this country "without leave from his Majesty, and with the humble advice of Parliament, until the

examinations were perfected." The King consented to this request; and if no other proof of guilt existed, it is enough to justify grave suspicion, that Mr. Henry Percy, Mr. Henry Jermyn, Sir John Suckling, Mr. William Davenant, Captain Palmer, Sir Edward Wardour, and Captain Billingsley, immediately absconded.

Mr. Percy, brother to the Earl of Northumberland, in this as in many other plots and efforts for the preservation of Strafford, was the primary instigator. He began by winning an easy conversion in Mr. Hyde, the future Lord Clarendon, who tells us that "whilst things were thus depending, one morning, when there was a conference with the Lords, and he was walking in the House of Commons during its temporary adjournment, Mr. Percy came to him with a message that the King wished to speak with him, and would have him that afternoon to come to him." After some coquetting, Mr. Hyde promised to be at the palace at the hour appointed, and had a private interview with Charles. It could not be expected that Mr. Hyde should have left a record of all that passed, but he has told us enough to convince us that he obtained his price. The King thanked him for his past services, "discoursed of the passion of the House, and of the bill then brought in against Episcopacy, asking him 'whether he thought they would be able to carry it?' to which Hyde answered, 'he believed they could not; at least that it would be very long first.' 'Nay,' replied the King; 'if you'll look to it, that they do not carry it before I go to Scotland, when the armies shall be disbanded, I will undertake for the Church after that time.' 'Well then,' said Hyde, 'by the grace of God, it will not be in much danger,' and so

they parted, the one a proselyte to the Court, and the other 'very gracious.'" *

* Clarendon's Autobiography, 42. Mr. Hyde was speedily called upon to advocate the Court's wishes; for he tells us that, "In the afternoon of the day when the Conference had been in the Painted Chamber upon the Lord President's Court at York, (April 26), going to a place called *Piccadilly*, (which was a fair house for entertainment and gaming, with handsome gravel walks with shade, and where were an upper and lower bowling-green, whither very many of the nobility and gentry of the best quality resorted, both for exercise and conversation,) as soon as ever he came into the ground, the Earl of Bedford came to him, and after some short compliments upon what had passed in the morning, told him 'he was glad he was come thither, for there was a friend of his in the lower ground, who needed his counsel.' He then lamented 'the misery the kingdom was like to fall into, by their own violence and want of temper, in the prosecution of their own happiness.' He said, 'This business concerning the Earl of Strafford was a rock upon which we should all split, and that the passion of the Parliament would destroy the kingdom: that the King was ready to do all that they could desire, if the life of the Earl of Strafford might be spared: that his Majesty was satisfied that he had proceeded with more passion in many things than he ought to have done, by which he had rendered himself useless to his service for the future; and therefore he was well content that he might be made incapable of any employment for the time to come, and that he should be banished, or imprisoned for life, as they should choose; and that how difficult a matter soever he found this to be, he should not despair of it, if he could persuade the Earl of Essex to comply; but that he found him so obstinate, that he could not in the least degree prevail with him. That he had left his brother, the Earl of Hertford, (who was that day made a Marquis) in the lower ground, walking with him, who he knew would do all he could; and he desired Mr. Hyde to walk down into that place, and take his turn to persuade the Earl of Essex to what was reasonable, which he was very willing to do.'

"He found the Marquis and the Earl walking there together, and no other persons with them; and as soon as they saw him, they both came to him; and the Marquis, after a short salutation, departed, and left the other two together, which he did purposely. The Earl began merrily, in telling him, 'that he had that morning performed a service which he knew he did not intend to do—that by what he had said against the Court of York, he had revived their indignation against the Earl of Strafford, so that he now hoped they should proceed in their Bill against him with vigour, (whereas they had slept so long upon it), which he said was the effect, of which he was sure, he had no mind to be the cause.' Mr. Hyde confessed, 'he had indeed no such purpose, and hoped that somewhat he had said might put other thoughts into them, to proceed in another manner upon his crimes: that he knew well that the cause of their having slept so long upon the Bill was their disagreement upon

This negociation concluded, Mr. Percy immediately after appears prominently in the Goring plot, and of this we have his own narrative in the form of a letter to his brother, which Clarendon says was thus obtained. Mr. Percy, instead of leaving England immediately upon the discovery of the plot, lingered at a small port on the coast of Sussex, near a house belonging to his brother, and was attacked and severely wounded by the country people when he endeavoured to escape. His life was

the point of Treason, which, the longer they thought of would administer the more difficulties. But if they declined that, they should all agree that there were crimes and misdemeanors evidently enough proved, to deserve so severe a censure as would absolutely take away all power from the Earl of Strafford that might prove dangerous to the kingdom, or mischievous to any particular person to whom he was not a friend.'

"He shook his head and answered, 'Stone-dead hath no fellow; that if he were judged guilty in a *præmunire*, according to the precedents cited by him, or fined in any other way, and sentenced to be imprisoned during his life, the King would presently grant him his pardon and his estate, release all fines, and would likewise give him his liberty as soon as he had a mind to receive his service, which would be as soon as the Parliament should be ended.' And when Mr. Hyde was ready to reply to him, the Earl told him familiarly 'that he had been tired that afternoon upon that argument, and therefore desired him to continue the discourse no longer then, assuring him he would be ready to confer with him upon it at any other time.'

"Shortly after, Mr. Hyde took another opportunity to speak freely with him again concerning it, but found him upon his guard, and though he heard all the other would say, with great patience, yet he did not at all enlarge in his answers, but seemed fixed in his resolutions; and when he was pressed 'how unjustifiable a thing it was for any man to do anything which his conscience informed him was sinful; that he knew him so well, that if he were not satisfied in his own conscience of the guilt of the Earl of Strafford, the King could never be able to oblige him to give his vote for that Bill, and therefore he wondered how he could urge the King to do an act which he declared to be so much against his conscience, that he neither could nor would ever give his Royal assent to that Bill;' the Earl answered more at large, and with some commotion, (as if he were in truth possessed with that opinion himself,) 'that the King was obliged in conscience to conform himself and his own understanding to the advice and conscience of his Parliament,' which was a doctrine newly resolved by their divines, and of great use to them for the pursuing their future counsels."

saved with difficulty, and all the ports being narrowly watched, he was conveyed back to London, and found a refuge in Northumberland House. "The Earl being in great trouble how to send him away beyond the seas after his wound was cured, advised with a friend then in power, and who innocently enough brought Mr. Pym into the council, who over-witted them both, by frankly consenting that Mr. Percy should escape into France, upon condition that the Earl first drew from him such a letter as might by the party be applied as evidence of the reality of the plot."* Clarendon adds, that this caused a lasting quarrel between the brothers, but it is difficult to believe that Mr. Percy would have written such a detail, which he must have often repeated verbally, if he did not know that he was to purchase safety by this treachery to his friends.

In this letter Mr. Percy narrates that he began plotting with Wilmot, Ashburnham, Pollard, and O'Neil, the three first members of the House of Commons, all officers of the army, and discontented that certain monies raised for their troops should have been diverted to pay the Scotch. The measures they had in view were to sustain Episcopacy, retain the Irish army until that of Scotland was disbanded, and to settle liberally his Majesty's revenue. "This being all imparted to the King by me," says Mr. Percy, "I perceived he had been treated with by others concerning some things of our army; which agreed not with what was purposed by me, but inclined a way more sharp and high, not having limits either of honour or law. I told the King he might be pleased to consider with

* Clarendon's History of the Rebellion, I. 212.

himself which way it was fit for him to hearken unto; for us, we were resolved not to depart from our grounds: we should not be displeased whosoever they were; but the particular of the designs, or the persons we desired not to know, though it was no hard matter to guess at them. In the end, I believe the danger of the one, the *justice* of the other, made the King tell me he would leave all thoughts of other propositions, but *ours*, as things not practicable; but desired, notwithstanding, that Goring and Jermyn, who were acquainted with the other proceedings, should be admitted amongst us. I told him I thought the other gentry would never consent to it, but I would propose it; which I did, and we were all much against it. But the King did press it so much, as at the last it was consented unto, and Goring and Jermyn came to my chamber. There I was appointed to tell them, after they had sworn secresy, what we had proposed, which I did.

"But before I go into the debate of the way, I must tell you, Jermyn and Goring were very earnest Suckling should be admitted; which we did all decline, and I was desired by all our men to be resolute in it, which I was, and gave many reasons. Whereupon Mr. Goring made answer, he was engaged with Mr. Suckling for his being employed in the army; but for his meeting with us, they were contented to pass it by. Then we took up again the ways which were proposed; which took great debate, and *theirs* differed from *ours* in violence and height; which we all protested against, and parted, disagreeing totally, yet remitted it to be spoken of by me and Jermyn to the King; which we both did; and the King, constant to his former

resolutions, told him these ways were all vain and foolish, and he would think of them no more. I omit one thing of Mr. Goring: he desired to know how the chief commanders were to be disposed of; for if he had not a condition worthy of him, he would not go along with us. We made answer, that nobody thought of that: we intended, if we were sent down, to go all in the same capacity we were in. He did not like that by any means, and by that did work so with Mr. Chidley, that there was a letter sent by some of the commanders to make him Lieutenant General; and when he had ordered this at London, and Mr. Chidley had his instructions, then did he go to Portsmouth, pretending to be absent when this was working. We all desired my Lords of Essex and Holland; but they said, 'If there were a general, they were for Newcastle.' They were pleased to give report, that I should be General of the Horse, but I protest, neither to the King, nor any else, did I ever so much as think of it. My Lord of Holland was made General, and so all things were laid aside."*

It is needless to follow the proofs of this plot further. Colonel Goring's evidence coincided with that of

* Rushworth, V. 256. The address sent by some of the officers, through Captain Chidley, had been seen and approved by the King.—*Clarendon*, I. 192. It had been also sent to the magistrates of Yorkshire.—See *Mr. Stockdale's Letter*, p. 101, and contained an offer to march to London, for the suppression of those tumults which interrupted the free proceedings of Parliament. It was a movement evidently intended in favour of Strafford. In this it failed; but Mr. Stockdale says it was suggested by a fear that they should be disbanded without their arrears of pay being forthcoming. Their petition certainly prevented this; for they immediately received a most soothing letter from Mr. Lenthall, the Speaker, and very shortly after a good instalment of the money due to them.—*Parl. Hist.* IX. 304.

Mr. Percy; the minor plotters were imprisoned or escaped; but the chief sufferer was the King.* The discovery of these covert efforts demonstrated that whilst he appeared to yield to the votes of the Parliament, he was secretly seeking for strong means to counteract them. It made the Parliament stern and distrustful, and in every case, especially that of Strafford, confident of success; because they felt that since he condescended to secret contrivances to thwart them, he had not the moral courage to exercise his prerogative, and to carry out his convictions, by refusing assent to their measures.

One of those secret contrivances to save Strafford, was a plan for introducing a hundred soldiers under Captain Billingsley, into the Tower, which was discovered by three women who had permission to satisfy their desire of seeing the Earl, by peeping through the key-hole of his prison-room. He was then talking with Captain Billingsley, and arranging about the departure of the ship, on board of which he was to be conveyed. This being communicated to the Lieutenant of the Tower,

* Nalson's Collections, I. 273. Of the plotters it need only be further noticed, that Henry Jermyn was a great favourite with the Queen, was her Master of Horse, and was married to her after the death of Charles the First. His services will be frequently noticed. Colonel Goring was the eldest son of Lord Goring, Governor of Portsmouth, who survived him. Mr. Wilmot was Commissary to the army, and eldest son of Lord Wilmot. Sir John Suckling, the Poet, and the would-be soldier, has been already noticed. Colonel Ashburnham was member for Hastings, and a constant attendant upon the King, even to his death. Sir Hugh Pollard was member for Beralstone; and, together with Mr. Percy, was expelled the House, Dec. 9, 1641, for being concerned in this plot. Daniel O'Neil, "an Irishman and a Papist," was a Groom of the King's Bed-chamber, and had long been a royal favourite.—*Clarendon's Autobiography*, 129, &c. Wilmot, Ashburnham, Pollard, and O'Neil, were committed; but were soon either bailed or allowed to escape; for it was not yet an offence to obey the King's directions as to the movements of his troops.

Sir William Balfour, put him upon his guard, so that when Captain Billingsley brought a warrant from the King for his admission with a hundred soldiers into the Tower, Sir William refused to obey the mandate. Thus frustrated, Strafford himself addressed the Lieutenant, professing that he would not attempt to escape without his privity, but that if he would consent to obey the warrant for his removal to another place of confinement, during the journey he would contrive to escape, and that Sir William should at once receive 22,000*l*, and have an advantageous alliance for his son. These offers could not tempt the sturdy Scotchman to a breach of duty, and all attempts at escape from that time appear to have ceased.* Charles professed that he only wished to strengthen the garrison of the Tower, but the most credulous royalist could scarcely have believed the plea.

The Lords were in no haste to pass the Bill of Attainder, nor would they have done so, probably, if the judges had not delivered it, as their opinion, that the Earl's offences amounted to treason, and that the bill was a legal course of proceeding.† Still, either deterred by the tumults and petitions of the people, or unable to arrive at a conviction of his innocence or guilt, nearly one-half of the Peers who had been present during the previous course of the proceedings, were absent when the bill for death was passed. Only forty-five were in the House on the 7th of May, when the bill was

* Rushworth's Trial of Strafford, 746 ; Whitelocke, 44.

† Ibid. 44. The words of the judges, delivered by Lord Chief Justice Brampston, were, "That they were of opinion upon all which their lordships had voted to be proved, that the Earl of Strafford deserved to undergo the pains and forfeitures of High Treason, by law.—*Parl. Hist.* IX. 307.

read a third time; of these, no more than twenty-six voted for it, nineteen being in the negative,* and it was passed whilst "the good people were still crying at the doors for 'Justice.'" †

Only one hope now remained to Strafford and his friends, and that might well be an assured one; for in public, before the assembled Houses, and in a letter to the Earl himself, the King stood pledged not to consent to his death. Let us see how long Charles struggled to preserve his honour and his friend.

The bill passed the Lords on the 7th of May. On the 8th, being Saturday, the two Houses united in pressing for a speedy decision, and the King replied that at ten o'clock of the Monday morning, May the 10th, but one day being proposed to intervene, "he would be at the House of Lords, in order to give his assent!" ‡ These are the very words. The resolution to assent was arrived at, then, on the 8th, or words mean nothing; and all the consultations on the 9th must have been to obtain carminatives for his conscience,—a conscience already resolved to be silenced—not, as is usually supposed, to hear reasons why he should consent to the sacrifice.

That 9th of May was the Sabbath-day, the day of all others on which a King might have rested from a work of blood—but Charles required no delay. He assembled his Privy Council, and suggested the scruples he entertained against the Bill of Attainder; to which they replied, "There was no other way to preserve himself and his posterity, and, therefore, he ought to be more tender of the safety of the kingdom than of one person,

* Whitelocke, 43. † Clarendon's History, I. 201.
‡ Parl. Hist. IX 310.

however innocent."* Not one of the Council interposed a contrary opinion—not one was honest enough to say that evil ought not to be done to secure a certain, much less a merely hoped-for good: none were fearless enough to point out that, even if the Stuart dynasty ceased, England need not share in the fall; and that he was base indeed who would pronounce the doom of his faithful friend, to save for himself the bauble of a crown! But Charles was no weakling, and his own brain and his own heart, for he had a kind heart, must have suggested these truths of commonest household morality. Yet, he shrunk from the sacrifice—he turned to the judges for their opinion, but he complained that "their dubious answers did not ease him of his scruples," for he seems not to have sought for encouragement to be just. The bishops, with but one bright exception, were not more faithful than the judges, for they met him with the casuistical query,—"As your Majesty refers your own judgment to your judges, and it lies on them if an innocent man suffer, why may not your Majesty so satisfy your conscience in the present matter; and, though in your own mind not satisfied, let the blame lie upon them who sat upon the tribunal of life and death?"† The Bishop of London, Dr. Juxon, saw the fallacy of this comparison; he knew, and the King knew, the cases attempted to be drawn as parallel, were divergent from their commencement; for in Strafford's case, he had himself heard the evidence, and had publicly declared that

* Clarendon's History, I. 220.

† The four Prelates who thus suggested were Archbishop Usher, and Bishops Morton, Williams, and Potter.—*Hacket's Life of L. K. Williams*, 161. Usher did not persuade the King to assent to the Bill. See authorities in *Biog. Brit. in vitâ.*

he felt it was inconclusive. Dr. Juxon, therefore, told him, without any reservation, that if unsatisfied in his conscience, he ought not to give his consent to the bill, whatever might be the consequences of his refusal. * It was to avoid this sound morality that the subtle Bishop of Lincoln, and ex-Lord Keeper, Dr. Williams, suggested, that a "distinction existed between a man's public and private conscience; and that Charles's public conscience, as a King, might not only dispense with, but oblige him, to do that which was against his private conscience as a man; that the question was not, whether he should save the Earl of Strafford, but whether he should perish with him; that the conscience of a King to preserve his kingdom, the conscience of a husband to preserve his wife, the conscience of a father to preserve his children (all which were now in danger), outweighed abundantly all the considerations which the conscience of a master or a friend could suggest to him, for the preservation of a friend or servant." Well might Clarendon exclaim that these arguments were "unprelatical and ignominious," † teaching as they do, that villainy of the deepest die is permissible in order to serve the interests of a people, or even of a wife, or a child. The Lord Chamberlain, the Earl of Pembroke, even perverted Scripture to his purpose, telling the King, as Joab told David, that in grieving over this matter, he shamed the faces of his servants, and showed that he loved his enemies, and hated his friends. ‡

* Nalson, II. 192. † Clarendon's History, I. 202.

‡ 2 Samuel, xix. 5—8. Nalson quotes, by mistake, 2 Chronicles. Dr. Williams and the Bishop of Durham seem to have coincided in the "ignominious" advice; for the King told his Secretary, Sir Edward Walker, that it was not Archbishop Usher, and that Dr. Juxon maintained "his stout opinion against it." —*Walker's Discourses*, 360.

Dr. Juxon's warning induced the King to falter in his resolution: he hesitated from the consent he had promised to the Parliament; and he dismissed his councillors, with instructions to attend him again in the evening. In the interval, the following letter appears to have reached his hands, though dated a few days previously: *

MAY IT PLEASE YOUR SACRED MAJESTY,

IT hath been my greatest grief in all these troubles, to be taken as a person which should endeavour to represent and set things amiss between your Majesty and your people, and to give counsels tending to the disquiet of the three kingdoms. Most true it is (that this, mine own private condition considered) it had been a great madness (since through your gracious favour I was so provided), as not to expect in any kind to mend my fortune, or please my mind more, than by resting where your bounteous hands had placed me.

Nay, it is most mightily mistaken; for unto your Majesty it is well known, my poor and humble advices concluded still in this, that your Majesty and your people could never be happy till there were a right understanding betwixt you and them; and that no other means were left to effect and settle this happiness but by the counsel and assent of your Parliament; or to prevent the growing evils of this State, but by entirely

* Cobbett's State Trials, III. 1516; Clarendon, I. 202. The date of the letter must have been mistaken by the transcribers, for Sir G. Ratcliff says it was not written until the Friday preceding the King's assent. That Friday was May 7.—*Strafford's Letters*, II. 432.

putting yourself in this last resort, upon the loyalty and good affections of your English subjects.

Yet such is my misfortune, that this truth findeth little credit; yea, the contrary seemeth generally to be believed, and myself reputed as one who endeavoured to make a separation between you and your people: under a heavier censure than this, I am persuaded no gentleman can suffer.

Now I understand the minds of men are more and more incensed against me, notwithstanding your Majesty hath declared, that in your princely opinion I am not guilty of treason, and that you are not satisfied in your conscience to pass the bill.

This bringeth me in a very great strait: there is before me the ruin of my children and family, hitherto untouched in all the branches of it with any foul crime. Here are before me the many ills which may befal your sacred person and the whole kingdom, should yourself and Parliament part less satisfied one with the other than is necessary for the preservation both of King and people. Here are before me the things most valued—most feared by mortal men,—life or death.

To say, Sir, that there hath not been a strife in me, were to make me less man than God knoweth my infirmities make me; and to call a destruction upon myself and young children (where the intentions of my heart at least have been innocent of this great offence), may be believed, will find no easy consent from flesh and blood.

But with much sadness I am come to a resolution of that, which I take to be best becoming me, and to look upon it as that which is most principal in itself, which doubtless is the prosperity of your sacred person and

the commonwealth, things infinitely before any private man's interest.

And therefore, in few words, as I put myself wholly upon the honour and justice of my peers, so clearly, as to wish your Majesty might please to have spared that declaration of yours on Saturday last, and entirely to have left me to their lordships, so now, to set your Majesty's conscience at liberty, I do most humbly beseech your Majesty for prevention of evils which may happen to your refusal, to pass this bill, and by this means to remove (praised be God), I cannot say this accursed, but (I confess) this unfortunate thing, forth of the way towards that blessed agreement, which God, I trust, shall ever establish between you and your subjects.

Sir, my consent shall more acquit you herein to God, than all the world can do besides. To a willing man there is no injury done; and as by God's grace I forgive all the world, with a calmness and meekness of infinite contentment to my dislodging soul, so, Sir, to you I can give the life of this world, with all the cheerfulness imaginable, in the just acknowledgment of your exceeding favours, and only beg that in your goodness you would vouchsafe to cast your gracious regard upon my poor son and his three sisters, less or more, and no otherwise, than as their (in present) unfortunate father, may hereafter appear more or less guilty of this death. God long preserve your Majesty.

Your Majesty's most faithful and humble
subject and servant,

STRAFFORD.

Tower, May 4th, 1641.

This letter was made known to the Council on their assembling in the evening, and it furnished a fresh argument to some, that the Earl's consent to be sacrificed absolved the King from any scruple that remained.* It is just possible that there may have been minds and hearts so indurated, so dead to every generous feeling, and to the dictates of justice, as to believe in the soundness of this argument. But all who were there assembled could not have been in nature so brutish. Juxon, we are told, was silent, but that silence must have been to the King more eloquent than words, and without suggestion from another must have wrung from his heart the truth, that no consent of the innocent can justify his destroyer, and that no plea can save from abhorrence him who allows a death undeserved to secure his own safety and advantage.

It has been said, perhaps with truth, that at this agonising moment, whilst the balance yet trembled in suspense, the Queen's intreaties prevailed, and that her voice tremulous with grief, and her intreaties for a decision to save her children, preponderated over justice, honour, and noble feeling. Be this as it may, at nine o'clock of the evening of that Sabbath-day, Charles, giving utterance to this genuine feeling, "My Lord of Strafford's condition is now happier than mine," signed a commission, empowering three of his Court to give his consent to his noble servant's death-warrant—the Bill of Attainder!†

Those who urged the King to this unworthy and

* Clarendon, I. 202.

† Cobbett's State Trials, III. 1518; Strafford's Letters, II. 432. The Commissioners were the Earl of Arundel, (Lord Steward); the Earl of Pembroke,

sinful act, insulted his understanding when "they comforted him with the circumstance 'that his own hand was not in it.'"*—a circumstance that could have yielded no consolation to the torturing reflection that he had permitted death to be inflicted on his faithful friend, because that death might benefit himself and his family. It is a damning spot upon the memory of the King, a spot covered, but not obliterated by his own blood! His ablest advocates have found no better plea for him than that he yielded to "importunity and necessity"—necessity!—that Procrustic plea by which, some few years subsequently, he was himself consigned to the scaffold and the headsman.

Let no one deprecate the weakness and the crime of Charles, however, without admitting every extenuation to mitigate the indignant feeling which naturally arises against him in every generous heart. Let it be remembered that he was afterwards bitterly punished for this and all his errors; that the hope to appease the clamour and remove danger from those dear to him, was a powerful temptation; that the advice of nearly all his councillors was most base, and that his own repentance was bitter, sincere, and endured to his dying hour. No event in history more powerfully demonstrates the futility of that policy, which permits recourse to criminal measures for support, than this consenting of Charles to the execution of Strafford. The consequences were totally the reverse of those intended to be produced. Its first notable result was that it destroyed the confidence of the

(Lord Chamberlain); and the Earl of Manchester, (Lord Privy Seal).—*Nalson*, II. 195. Hackett says, "On *a* Sunday, May *9*, he signed the indefinite continuance of the Parliament and Strafford's execution with the same drop of ink—A sad subject! and as I find it so I leave it."—*Life of Williams*, 162.

* Clarendon, I. 203.

King's friends; for when they saw that no security could be founded upon his promises, but that his pledged word and his conscience were disregarded when his own interests were urgent, they naturally inferred that no safety could be assured to themselves. Consequently, Lord Cottington resigned the Mastership of the Wards, and was succeeded by Lord Say; Bishop Juxon retired from the office of Treasurer, which was put into commission; the Earl of Newcastle declined the Preceptorship of the Prince, which was given to the Marquis of Hertford, and the Earl of Pembroke retired from the Lord Chamberlainship, making way for the Earl of Essex.*

Instead of conciliating the people, the King's sacrifice of his friend undoubtedly drew upon him their contempt; for it is one of many illustrations afforded by our national annals, that Englishmen never view but with disgust any individual who shrinks from suffering to preserve his honour. "That the King should be induced to consent to the execution of the Earl," says Whitelocke, "was admired (wondered at) by most of his subjects, as well as by foreigners."

But the most sorrowful consequence to the King must have sprung from within his own breast. From the moment of that consent, self-respect must have been lost—that loss for which not the adulation of the universe could compensate; and he has left on record the confession that the "still small voice" was ceaselessly in his ear, and keeping ever fresh the torture of self-condemnation. "O God of infinite mercies," are the words of his own prayer, "forgive that act of sinful compliance, which hath greater aggravations upon me

* Whitelocke, 44; Heath's Chronicle, 20.

than any man; since I had not the least temptation of envy or malice against him, and by my place should at least so far have been a preserver of him as to have denied my consent to his destruction. O Lord, I acknowledge my transgression, and my sin is ever before me." *

As the "sinful concession" was an endless source of contrition to the King, dispirited his friends, and disgusted the people; so did it also speedily gain to him the woful experience, that acquiescence to an unjust demand only leads to farther requisitions. By asking it the demandant incurs a degree of guilt; each addition of guilt brings its addition of fear, and every such fear is restless until the injured party is deprived of the power either to recover his right or to revenge his injury.† Even Pym looked only at the future when he heard of the King's consent, for his exclamation was —"What! has he given us the head of Strafford?— then he will refuse us nothing!"

The Commissioners allowed not an hour to elapse that they could prevent, before they announced to the assembled Parliament the King's consent. On the Monday morning, early, they took their seats between the throne and the woolsack, and, having announced the purpose of their coming, the Commons were directed to be summoned. Mr. Maxwell, Gentleman Usher of the Lords, full of the importance of his message, hurried

* Eikon Basilike, § 2. One of the Harleian MSS. is a letter from the King to the Queen, (No. 6988, fol. 106), in which he speaks equally repentantly—"I sinned against my conscience, for the truth is, I was surprised with it instantly after I made that base, sinful concession. I hope that God will accept of my hearty repentance."

† Sir P. Warwick's Memoirs, 163; Life of Selden, 255.

to the Commons, totally forgetful of all the usual forms. Without his insignia of office, and without waiting to knock for admission, he burst into their presence. He was immediately commanded to withdraw and to attend with more decorum, but the intelligence was too gratifying to the members to allow them to take more serious notice of his informal intrusion.* The Commons at once attended, and "the Clerk of the Parliament delivered, kneeling, the Commission whereunto the bills were annexed.† The Lord Privy Seal then declared to both Houses that the King had an intent to have come himself, but some important occasions had prevented him, and so his Majesty had granted a Commission for giving his assent to these two bills. This was delivered to the Clerk of the Parliament, who carried it to his table and read it; which being done, the Clerk of the Crown read the titles of the bills, and the Clerk of the Parliament pronounced the royal assent to them both severally." ‡

* Rushworth, V. 262.

† The other Bill was for the permanency of the Parliament.

‡ Nalson, II. 195. The following is a copy of the Earl's Bill of Attainder:—

"Whereas the Knights, Citizens, and Burgesses of the House of Commons, in this present Parliament assembled, have, in the name of themselves, and of all the Commons of England, impeached Thomas Earl of Strafford of High Treason, for endeavouring to subvert the ancient and fundamental laws and government of his Majesty's Realms of England and Ireland, and to introduce an arbitrary and tyrannical government against law in the said Kingdoms; and for exercising a tyrannous and exorbitant power over and against the laws of the said Kingdoms, over the liberties, estates, and lives of his Majesty's subjects; and likewise for having, by his own authority, commanded the laying and assieging of soldiers upon his Majesty's subjects in Ireland, against their consents, to compel them to obey his unlawful commands and orders, made upon paper petitions, in causes between party and party, which accordingly was executed upon divers of his Majesty's subjects in a warlike manner, within the said realm of Ireland; and in so doing did levy war against the King's Majesty and his liege people in that Kingdom: And also, for that he, upon the unhappy

The King repented of his criminal pusillanimity the moment he had consented to the Earl's death; yet, Stuart-like, he dared not carry out his repentance. He sent for Denzil Holles, whose sister Strafford had married, and met him with the poltroonly question,—"What can I do to save the Earl?" The reply was that which could alone be suggested by one who wished the King to do right, remembering that the blessed prerogative of

dissolution of the last Parliament, did slander the House of Commons to his Majesty, and did counsel and advise his Majesty that he was loose and absolved from the rules of government, and that he had an army in Ireland, by which he might reduce this Kingdom; for which he deserves to undergo the pains and forfeitures of High Treason:

"And the said Earl hath been also an incendiary of the wars between the two Kingdoms of England and Scotland: all which offences have been sufficiently proved against the said Earl upon his impeachment.

"Be it therefore enacted, by the King's most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by authority of the same, That the said Earl of Strafford, for the heinous crimes and offences aforesaid, stand, and be adjudged and attainted of High Treason, and shall suffer such pain of death, and incur the forfeitures of his goods and chattels, lands, tenements, and hereditaments of any estate of freehold or inheritance in the said Kingdoms of England and Ireland, which the said Earl, or any other to his use, or in trust for him, have or had, the day of the first sitting of this present Parliament, or at any time since.

"Provided that no Judge or Judges, Justice or Justices whatsoever, shall adjudge or interpret any act or thing to be treason, nor in any other manner than he or they should or ought to have done before the making of this Act, and as if this Act had never been had or made.

"Saving always, unto all and singular persons and bodies, politic and corporal, their heirs and successors, others than the said Earl and his heirs, and such as claim by, from, or under him, all such right, title, and interest, of, in, and to all and singular, such of the said lands, tenements, and hereditaments as he, they, or any of them, had before the first day of this present Parliament, any thing herein contained to the contrary notwithstanding.

"Provided, That the passing of this present Act, and his Majesty's assent thereunto, shall not be any determination of this present sessions of Parliament, and all bills and matter whatsoever depending in Parliament, and not fully enacted or determined. And all Statutes and Acts of Parliament which have their continuance until the end of this present Session of Parliament, shall remain, continue, and be in full force, as if this Act had not been."

mercy appertains to the Crown, as well as the sterner one of justice. Holles answered, that if the King pleased, since the execution of the law was in him, he might legally grant the Earl a reprieve. Holles further suggested, that Strafford should send him a petition for a short respite, to settle his affairs, and to prepare for death; and that the King, with the petition in his hand, should go to the Parliament, and lay it before both Houses, accompanying it by a speech, such as Holles suggested. To this the King assented, and Holles immediately proceeded to influence his friends, by "assuring them, that if they saved Lord Strafford, he would become wholly theirs, in consequence of his first principles; and that he might do them much more service by being preserved, than if made an example upon such new and doubtful points." Holles so succeeded that he believed if the King's party had co-operated, the Earl would have been saved. This, however, they did not do, being deterred from such a course by finding the Queen averse from it; and it was said, that she persuaded the King to send the letter to the Houses by the Prince of Wales, and to add that mean postscript, which was no less than an abandonment of the whole attempt.* The letter, entirely in the King's own handwriting, was in these words:—

My Lords,

I DID yesterday satisfy the justice of the kingdom, by passing the Bill of Attainder against the Earl of Strafford: but mercy being as inherent in and

* Burnet's History of his Own Times, 19, Ed. 1838.

inseparable from a King as justice, I desire, at this time, in some measure to show that likewise, by suffering that unfortunate man to fulfil the natural course of his life in a close imprisonment; yet, so that if ever he make the least offer to escape, or offer directly or indirectly to meddle in any sort of public business, especially with me, either by message or letter, it shall cost him his life, without further process. This, if it may be done without the discontentment of my people, will be an unspeakable contentment to me.

To which end, as in the first place, I by this letter do earnestly desire your approbation; and to endear it the more, have chosen him to carry it, that of all your House is most dear to me; so I desire that, by a conference, you will endeavour to give the House of Commons contentment: likewise assuring you, that the exercise of mercy is no more pleasing to me, than to see both Houses of Parliament content, for my sake, that I should moderate the severity of the law in so important a case.

I will not say that your complying with me, in this my intended mercy, shall make me more willing, but certainly it will make me more cheerful, in granting your just grievances: but, if no less than his life can satisfy my people, I must say, *Fiat justitia.* Thus again recommending the consideration of my intentions to you, I rest,

Your unalterable and affectionate friend,

CHARLES R.

If he must die, it were charity to reprieve him till Saturday.*

* Rushworth's Trial of Strafford, 758.

A more unkingly letter never flowed from a monarch's pen. Its form and the infant bearer rendered it, it has been said, more a domestic than a royal communication, and we have been asked to view favourably the tenderness which it betrays of a sorrowing friend seeking for an equal affection. But no man reflecting that a question of life or death was at issue, can permit for an instant such a plea to make his judgment waver. If he allow the consideration to be entertained that the King loved the culprit, then must it make him still more stern in reprehending that monarch who confessing his consciousness, "that mercy was as inherent and inseparable to a king as justice," yet puled and asked permission for its exercise, instead of nobly daring to give a few more hours to his well-tried friend before he allowed him to be taken forth to death.

Twice did the Peers read that letter; "and after serious and *sad* consideration," (the emphasis is Rushworth's,) they resolved to depute fourteen of their number, humbly to signify, that "neither of the two intentions expressed in the letter could with duty in them, or without danger to himself, his dearest consort, and the young princes their children, possibly be advised." Charles allowed the deputation to urge no more; his heart was full, and true sorrow cannot be diffuse; "What I intended by that letter was with an 'if,'" said the King —"*if* it may be done without discontentment of my people: if that cannot be, I again say the same as I writ, *Fiat justitia.* My other intention, proceeding out of charity for a few days' respite, was upon certain information, that his estate was so distracted that it necessarily required some few days for settlement thereof."

The Lords were prepared for this ground on which to found the plea for delay, and at once replied, that "the House purposed to be suitors to his Majesty, for favour to the Earl's innocent children, and if he had made any provision for them that the same should not be voided." This was in accordance with the King's wishes; but unwilling to prolong the painful interview he arose to withdraw. As he moved towards the door the deputation offered to return to him his supplicatory letter, but he bade them retain it, adding, "My Lords, what I have written to you I shall be content to have registered by you in your House. In it you see my mind: I hope you will use it to my honour."*

Thus ceased all exertions, or rather the expression of the wish—for it was no more—to save Strafford from the scaffold.

Let us turn to consider in connected detail, whether the Earl bore himself worthily, and whether he triumphed over that keenest of all trials—abandonment to undeserved death by those we have loved and served. Late in the evening of that day, May 10th, on which the King consented to the Earl's death, he sent to him by Mr. Secretary Carlton, the intelligence of that dire abandonment. No memorial remains of the words in which the message was directed to be imparted; nor can we conceive the language in which a monarch could dictate a message of such mingled misery, dishonour,

* Rushworth, V. 266. The Peers composing the deputation were, the Lord Chancellor, Lord Privy Seal, the Earls of Bath, Essex, Dorset, Salisbury, Warwick, Cambridge, March, Bristol, Holland, and Berkshire, Viscount Say and Sele, and Lord Wharton.—*Parl. Hist.* IX. 317. The House resolved, the same day, May 11, to be suitors to the King for the Countess of Strafford, her family, and the Earl's creditors.

and humiliation. We are told, but it defies belief, even by Charles's worst maligners, that Carlton was directed when speaking of the King's having yielded, that he was to assign as his chief motive "the Earl's consent"* in that noble and pathetic letter, which might have made even a coward resolute to save him! It is not possible, that Charles, infirm of judgment as he was, could have been so mean and cruel as needlessly to aggravate the bitterness of his friend's fate: even his inadvertency was not such as to allow him, when he bade the Earl prepare for death, to add the wormwood, that he had brought that fate upon himself. Strafford might well doubt the truth of the announcement; but Carlton again assuring him that indeed it was so, he rose reverently from his seat, and with eyes raised to the only unfailing source of mercy, and with hand pressed upon his heart, gave utterance to the truly apposite comment, "Put not your trust in Princes, nor in the sons of men, for in them there is no salvation."

It has been said, but surely without reason, that this exclamation was inconsistent with the magnanimity which dictated his noble letter to the King;† for Strafford may have been willing to die for his sovereign's advantage, and yet have been astonished, as all must have been, that the King should assent to the sacrifice of "his most faithful servant." It was an astonishment in

* Whitelocke's Memorials, 44.

† D'Israeli's Commentaries on Charles the First, IV. 198. Sir Dudley Carlton, the King's Deputy on this trying occasion, was a nephew of the statesman who had been so much employed both by Charles and James, and who bore the same names. The uncle had been Secretary of State; but it is doubtful whether the nephew was more than Clerk of the Privy Council, which is, perhaps, all that was intended by Saunderson and Whitelocke, who speak of him as "Secretary."—*Wood's Fasti Oxon.* I. 270.

which friends and foes, natives and foreigners, all shared, and must have come with augmented force upon the victim, in whose cabinet rose up in judgment this letter:

STRAFFORD,

THE misfortune that is fallen upon you by the strange mistaking and conjuncture of these times, being such that I must lay by the thought of employing you hereafter in my affairs; yet I cannot satisfy myself in honour or conscience without assuring you, (now in the midst of your troubles,) that upon the word of a King, you shall not suffer in life, honour, or fortune. This is but justice, and therefore a very mean reward from a master, to so faithful and able a servant, as you have showed yourself to be; yet it is as much as I conceive the present times will permit, though none shall hinder me from being

Your constant faithful friend,

CHARLES R.*

Whitehall, April 23, 1641.

No fear of death mingled with the Earl's emotion. The time was indeed short for preparation, for he was to die within forty hours after that interview with Carlton! Yet, brief as was that interval, it brought to him no confusion; but all was characterised by the calm dignity of a Christian, anxious to fulfil his parting duties as a friend, a husband, and a parent. His "ancient chaplain," Dr. Carr, and the Archbishop of Armagh, Dr. Usher, were early with him on the following day, and as the one has left on record that "the Earl was the most severe judge of himself he ever knew; and that, beyond his natural

* Strafford's Letters, II. 416.

strength, he had great humility and charity towards his enemies," so the other has borne similar testimony that his last hours were "most Christian, most magnanimous," and that "a whiter soul" never passed away to him that gave it.* Next to his spiritual exercises, the care of his family engrossed his attention, and the following letters, the inditing of which must have occupied a large portion of his last day, testify sufficiently that his anxieties were not centred upon self. To his faithful secretary and friend, Guildford Slingsby, he wrote as follows† :—

"I WOULD not as the case now stands, for anything, you should endanger yourself, being a person in whom I shall put a great part of my future trust; and, therefore, in any case absent yourself for a time, yet so as I may know where you are, and therefore send your man back, that I may know whither to direct anything I have to impart to you, and that presently; and after that, let your man come as little about this place as may be. Your going to the King is to no purpose—I am lost; my body is theirs, but my soul is God's; there is little trust in man. God may yet (if it please Him) deliver me, and as I shall (in the best way He shall enable me unto) prepare myself for Him, so to Him I submit all I have. The person you were last withal at Court, sent to move that business we resolved upon, which if rightly handled, might perchance do something; but you know my opinion in all, and what my belief is in all these things. I should by any means advise you to absent yourself, albeit never so innocent, as you are, till you see what becomes of me; if I live,

* Strafford's Letters, II. 432; Rawdon Papers, 84.

† Rushworth's Trial of Strafford, 774.

there will be no danger for you to stay, but otherwise keep out of the way till I be forgotten, and then your return may be with safety. I mean, indeed, to leave you one in trust for my children, and thank you for your readiness to look after it.

"Time is precious, and mine I expect to be very short and therefore no part of it to be lost. God direct and prosper you in all your ways; and remember there was a person whom you were content to call master, that did very much value and esteem you, and carried to his death a great stock of his affection for you, as for all your services, so for this your care towards me all this time of my trial and affliction; and however it be my misfortune to be decried at present, yet in more equal times, my friends (I trust) shall not be ashamed to mention the love to their children, for their father's sake.

"Your affectionate friend,

"STRAFFORD."

To his Irish Secretary, and fellow-prisoner, Sir George Radcliff, he thus replied, in answer to his farewell consolatory note.

DEAR GEORGE,

MANY thanks I give you for the great comfort you give me in this letter; all your desires are freely granted; and God deliver you out of this wicked world, according to the innocency that is in you. My brother George will come to you, and show you such things as in this short time I could think of, imperfect as they are, and therefore I wholly submit all to be ordered as shall amongst you be thought most meet;

and if the debts cannot otherwise be discharged, the lands in Kildare may be sold. The King saith he will give all my estate to my son; and so sends me word by my Lord Primate. God's goodness be ever amongst us all, this being the last I shall write, and so Blessed Jesus receive my soul!

I leave to your care that you trusted; that if you find the estate will bear it, to raise the portions of my daughters, according as was intended by my will.*

To his judges he thus charitably wrote :—

"SEEING it is the good will and pleasure of God, that your Petitioner is now shortly to pay that duty which we all owe to our frail nature; he shall in all Christian patience and charity, conform and submit himself to your justice, in a comfortable assurance of the great hope laid up for us in the mercy and merits of our Saviour, Blessed for ever!

Only, he humbly craves to return your lordships most humble thanks for your noble compassion towards those innocent children, whom now, with his last blessing, he must commit to the protection of Almighty God; beseeching your lordships to finish his pious intentions towards them, and desiring that the reward thereof may be fulfilled in you, by Him that is able to give above all we are able to ask or think; wherein I trust the honourable House of Commons will afford their Christian assistance.

And so, beseeching your lordships charitably to forgive all his omissions and infirmities, he doth very

* Whitaker's Radcliff Correspondence, 226.

heartily and truly recommend your lordships, to the mercies of our Heavenly Father, and that for his goodness he may perfect you in every good work. Amen.

"THOS. WENTWORTH."

To his only son this last of his letters was devoted, and it deservedly stands acknowledged as one of the best examples of parental admonition :—

MY DEAREST WILL,

THESE are the last lines that you are to receive from a father that tenderly loves you. I wish there were a greater leisure to impart my mind unto you ; but our merciful God will supply all things by his grace, and guide and protect you in all your ways, to whose infinite goodness I bequeath you ; and therefore, be not discouraged, but serve him, and trust in him, and he will preserve and prosper you in all things.

Be sure you give all respect to my wife, that hath ever had a great love unto you, and therefore will be well becoming you. Never be wanting in your love and care to your sisters, but let them ever be most dear unto you ; for, this will give others cause to esteem and respect you for it, and it is a duty that you owe them in the memory of your excellent mother and myself; therefore, your care and affection to them must be the very same that you are to have of yourself. And the like regard must you have to your youngest sister ; for, indeed, you owe it her also, both for her father and mother's sake.

Sweet Will, be careful to take the advice of those friends, which are by me desired to advise you for

your education. Serve God diligently morning and evening, and recommend yourself unto him, and have him before your eyes in all your ways. With patience, hear the instructions of those friends I leave with you, and diligently follow their counsel; for, till you come by time to have experience in the world, it will be far more safe to trust to their judgment than your own.

Lose not the time of your youth, but gather those seeds of virtue and knowledge which may be of use to yourself and comfort to your friends for the rest of your life. And that this may be better effected, attend thereunto with patience, and be sure to correct and refrain yourself from anger. Suffer not sorrow to cast you down; but with cheerfulness and good courage go on the race you have to run in all sobriety and truth. Be sure, with an hallowed care, to have respect to all the commandments of God, and give not yourself to neglect them in the least things, lest by degrees you come to forget them in the greatest: for, the heart of man is deceitful above all things. And in your duties and devotions towards God, rather perform them joyfully than pensively; for God loves a cheerful giver. For your religion, let it be directed according to that which shall be taught by those which are in God's Church, the proper teachers, therefore, rather than that you ever either fancy one to yourself, or be led by men that are singular in their own opinions, and delight to go ways of their own finding out; for you will certainly find soberness and truth in the one, and much unsteadiness and vanity in the other.

The King, I trust, will deal graciously with you,

restore you those honours and that fortune which a distempered time hath deprived you of, together with the life of your father; which I rather advise might be by a new gift and creation from himself, than by any other means, to the end you may pay the thanks to him without having obligation to any other.

Be sure to avoid, as much as you can, to inquire after those that have been sharp in their judgments towards me; and I charge you never to suffer thought of revenge to enter your heart: but be careful to be informed who were my friends in this prosecution, and to them apply yourself to make them your friends also; and on such you may rely, and bestow much of your conversation amongst them. And God Almighty, of His infinite goodness, bless you, and your children's children; and His same goodness bless your sisters in like manner, perfect you in every good work, and give you right understandings in all things. Amen.

Your most loving father,

T. WENTWORTH.

Tower, this 11th of May, 1641.

You must not fail to behave yourself towards my Lady Clare, your grandmother, with all duty and observance; for most tenderly doth she love you, and hath been passing kind unto me. God reward her charity for it! And both in this and all the rest, the same that I counsel you, the same do I direct also to your sisters, that so the same may be observed by you all. And once more do I, from my very soul, beseech our gracious God to bless and govern you in all, to the saving you in the day of His visitation, and join us again in the

communion of His blessed saints, where is fulness of joy, and bliss for evermore! Amen. Amen.*

Archbishop Usher remained with the Earl until nightfall, and then at his desire repaired to the King to present to him some few dying requests for the advantage of his friends. Those friends were Dr. Bramhall, Bishop of Derry; the Irish Chancellor, Sir John Loftus; and Lord Lowther, all of whom were then suffering imprisonment in Ireland, for their known concurrence with and friendship to Strafford. The King at once granted those petitions; and in Usher's pocket-almanac, under the date of May 11th, were found, after his death, some other memoranda, entitled, "What the King wisheth me to deliver unto my Lord Strafford tomorrow." These were the utterance of conscience, wishing to justify and mitigate that which was indefensible. Usher was to tell the Earl that Charles "would never have given passage unto his death if the King's own life only were hazarded thereby," and that even his execution could not be deferred without extreme danger: that his entire estate should be enjoyed by his widow and children; that it should be under the management of any one he might appoint; and that if his son proved of sufficient ability he should be specially employed and preferred. Strafford had asked for some favour to be shown to his friends, Lord Dillon and the Earl of Ormond, and the King promised that the first should be employed, and that the second should have the Garter, about to be vacated by Strafford's death.†

* Strafford's Letters, II. 416.

† Ibid. II. 418.

When his sorrowing friends were taking their farewell on the last night, Strafford sent for the Lieutenant of the Tower and besought him, "If it were possible, that he might speak with the Archbishop," Laud, his fellow-prisoner. Balfour replied, that he dared not permit the interview without permission from the Parliament. "Why, Master Lieutenant," rejoined Strafford, "you shall hear what passeth between us: it is not a time either for him to plot heresy, or for me to plot treason." Balfour, however, was firm, explaining that his orders were strict and specific, but that he would forward a petition from the Earl to the Parliament. "No," replied Strafford, "I have gotten my dispatch from them, and will trouble them no more. I am now petitioning a higher court, where neither partiality can be expected, nor error feared." "But, my lord," he added, turning to Dr. Usher, "what I should have spoken to his Grace of Canterbury is this: you shall desire him to lend me his prayers this night, and to give me his blessing when I go abroad tomorrow; and to be in his window, that by my last farewell, I may give him thanks for this and all other his former favours." And so they parted for the night.*

No friendly hand, like that of Herbert's in the chamber of Charles, has left to admiring posterity the record of Strafford's last night. We may justly regret this, without being open to sarcasm for our morbid love of the sorrowful; because no object tends more to increase affection for our fellow-creatures, than the spectacle of man rising superior to suffering and adversity. Though we have no chronicle of that night of trial, we may justly

* Rushworth's Trial of Strafford, 762.

conclude that it afforded no contrast to the triumph of the morning.

On that morning, seeing the vast multitude which was assembled on Tower Hill to witness the execution, Sir William Balfour requested Strafford that he would consent to be conveyed to the scaffold in a coach, for fear the people should rush upon him and tear him to pieces; but the dignified reply was, "No, Master Lieutenant, I dare look death in the face, and, I hope, the people too. Have you a care that I do not escape, and I care not how I die, whether by the hand of the executioner, or the madness and fury of the people. If that give them better content, it is all one to me."* So he proceeded to the place of blood on foot, and so firm was his step, so erect his posture, so undismayed his look, that it was said by some of the spectators that he moved on more like a general with his army to a triumph than like a culprit to his death. Yet there was no unbefitting expression on his features; the brow, naturally severe, we are told by an eye-witness, was now mild; and though there was "a dejection becoming contrition for sin," yet the expression of unaffected, undaunted courage was still paramount.

* In Cooke's "Speeches and Passages of this Parliament," published in 1641, is a speech said to have been delivered by Strafford, "in the Tower, to the Lords;" but it is beyond doubt a fabrication written by some Puritan of the time, to neutralise the effect upon the public mind, of the Earl's noble bearing and speech upon the scaffold. It is a mere dull sermon, confessing and aggravating his own guilt, and justifying the Parliament. There is (p. 221) even a thrust against the King and the House of Lords—"Let no man trust either in the favour of his Prince (or) the friendship and consanguinity of his Peers"—but there is nothing against his obdurate pursuers, the Commons. In "Somers' Tracts," *I. Coll. IV.* 449, is another speech of Strafford's, said to have been intended by him to have been spoken on the scaffold, but that he was "interrupted." It is evidently a forgery, and only worthy of being added to "the last dying speeches" customarily cried about our streets after an execution.

Balfour had mistaken the character of an English mob assembled to see a great man die a martyr to opinion. They were silent, respectful, sympathising, but there was no cry, much less a hostile movement, as he traversed the road from the Tower Gate to the scaffold, as taking off his hat and bowing to each side he saluted them as he passed.* It is true the sides of the road were lined by soldiers of the Trained Bands, but they were not required so far as the keeping of order was concerned.

The Earl set forth from his prison-chamber between the hours of ten and eleven, preceded by the Marshal's men, the Sheriffs' halberdiers, the Buffetiers or Warders of the Tower, and next before him one of his retinue, his gentleman-usher in mourning and bare-headed. Strafford also was "clad in cloth of black," but it was not without design, probably, that he that day "had white gloves upon his hands." He was followed by others of his attendants, also in mourning; by Dr. Usher and other divines, the Sheriffs of London, the Earl of Cleveland; his brother, Sir George Wentworth; and other friends.†

Close to his own prison-room was that of Laud, and

* Rushworth's Trial of Strafford, 773. At "a modest computation" there were one hundred thousand persons assembled on Tower Hill, "yet as he went to the scaffold they uttered no reproachful or reflecting language upon him." Although the mob showed no symptoms of triumph, offered no insult to add to the Earl's suffering, yet his death was acceptable to the people, as an earnest that the ways of despotism were closed. Bonfires and other demonstrations of rejoicing were exhibited in London and its vicinity, "and many that came up to town to see the execution rode in triumph back, waving their hats, and with all expressions of joy through every town they went, crying, 'His head is off!—His head is off!'"—*Sir P. Warwick's Memoirs*, 164.

† Cooke's Speeches, &c., 226; Rushworth, 759.

the Archbishop, to gratify his friend's wish, was at the window waiting his coming forth. Strafford bowed and approaching to the wall beneath the window, said, "My lord, your prayers and your blessing." Laud lifted up his hands in the act of bestowing both, but his heart was too full to permit him to speak, and overcome by his feelings he fell back into the arms of his attendants.* The Earl passed on, but turned once more to look upon his ancient friend, and waving his hand, commended him to that judgment where "no error is to be feared," adding, "Farewell, my lord! God protect your innocency."

Having ascended to the platform of the scaffold, he advanced to each of its side rails, and bowed to the multitude. Turning to his assembled friends, he began taking his leave of them, and observing Sir George Wentworth's extreme agony of grief, he said with a cheerful voice—"Brother, what do you see in me to deserve these tears? Doth any indecorous fear betray in me a sense of guilt, or my innocent boldness any atheism? Think, now, that you are accompanying me the third time to my marriage-bed. Never did I throw off my clothes with greater freedom and content than in this preparation for the grave. That stock (pointing to the block) must be my pillow, here shall I rest from all my labours. No thoughts of envy, no dreams of treason, jealousies, or cares for the King, the State, or myself,

* Baker's Chronicle, 511, continued by Milton's nephew, Edward Phillips. We quite agree with Daines Barrington, in thinking this work, so far as relates to the Stuart period, much better than it is usually estimated. Dr. Laud, when noticing to Dr. Whimberley this last interview with Strafford, said he had shown unbecoming weakness; but by God's assistance, when he should come to his own execution, which he expected, the world should see that he was more sensible of the Earl's loss than of his own.—*Nalson*, II. 202.

shall interrupt this easy sleep. Therefore, brother, with me, pity those who, contrary to their intention, have made me happy. Rejoice in my happiness—rejoice in my innocence." He then addressed himself generally to those assembled, saying, "I hope you think that neither the fear of loss, nor love of reputation, will suffer me to belie God and my own conscience at this time, when I am now in the very door going out, and my next step must be from time to eternity either of peace or pain. To clear myself before you all I now solemnly call God to witness that I am not guilty, so far as I can understand, of the great crime laid to my charge; nor have I ever had the least inclination or intention to damnify or prejudice the King, the State, the laws, or the religion of this kingdom; but with my best endeavours to serve all, and to support all. So may God be merciful to my soul!" *

He made this declaration upon his knees, but, rising up, requested the people to be patient, whilst he declared himself upon the same points more fully, though he still addressed himself especially to those with him upon the scaffold. He said—

"My Lord Primate of Ireland, and my lords, and the rest of these noble gentlemen,—It is a great comfort to me to have your lordships by me this day, because I have been known to you a long time, and I now desire to be heard a few words.

"I come here, my lords, to pay my last debt to sin, which is death, and through the mercies of God to rise again to eternal glory.

* Nalson, II. 199.

"My lords, if I may use a few words, I shall take it as a great courtesy from you. I come here to submit to the judgment that is passed against me. I do it with a very quiet and contented mind; I do freely forgive all the world; a forgiveness not teeth-outwards (as they say), but from my heart. I speak in the presence of Almighty God, before whom I stand, that there is not a displeasing thought that ariseth in me against any man. I thank God, I say truly, my conscience bears me witness, that in all the honour I had to serve his Majesty, I had not any intention in my heart, but what did aim at the joint and individual prosperity of the King and his people, although it be my ill-hap to be misconstrued. I am not the first man that hath suffered in this kind; it is a common portion that befals men in this life. Righteous judgment shall be hereafter. Here we are subject to error, and misjudging one another.

"One thing I desire to be heard in, and do hope that for Christian charity's sake I shall be believed. I was so far from being against Parliaments, that I did always think Parliaments in England to be the happy constitution of the kingdom and nation, and the best means, under God, to make the King and his people happy. As for my death, I do here acquit all the world, and beseech God to forgive them in particular. 'I am very glad his Majesty conceives me not meriting so severe and heavy a punishment, as the utmost execution of this sentence. I do infinitely rejoice in it, and in that mercy of his, and do beseech God to return him the same, that he may find mercy when he hath most need of it. I wish this kingdom all prosperity and happiness in the world. I did it living, and now dying it is my wish.

"I profess heartily my apprehension, and do humbly recommend it to you, and wish that every man would lay his hand on his heart, and consider seriously, whether the beginning of the people's happiness should be written in letters of blood. I fear they are in a wrong way; I desire Almighty God, that no one drop of my blood rise up in judgment against them. I have but one word more, and that is for my religion.

"My Lord of Armagh, I do profess myself seriously, faithfully, and truly, to be an obedient son of the Church of England; in that Church I was born and bred; in that religion I have lived, and now in that I die. Prosperity and happiness ever to it!

"It hath been said I was inclined to Popery; if it be an objection worth the answering, let me say truly from my heart, that since I was twenty-one years of age until this day, going on forty-nine years, I never had thought or doubt of the truth of this religion; nor had ever any the boldness to suggest to me the contrary, to my best remembrance.

"And so being reconciled to God, through the merits of Jesus Christ my Saviour, into whose bosom I hope shortly to be gathered, to enjoy eternal happiness, which shall never have an end, I desire heartily to be forgiven of every man, if any rash or unadvised words or deeds have passed from me, and desire all your prayers. And so, my lord, farewell, and farewell all things in this world.

"The Lord strengthen my faith, and give me confidence and assurance in the merits of Christ Jesus. I trust in God we shall all meet to live eternally in Heaven, and receive the accomplishment of all happiness, where every tear shall be wiped from our eyes, and sad

thoughts from our hearts; and so God bless this kingdom, and Jesus have mercy on my soul!" *

At the conclusion of this address he shook hands, "and took a solemn leave" of all his friends who were around him, and, having done so, added—"Gentlemen, I would say my prayers, and I intreat you all to pray with me and for me." He then knelt down by a chair, on which his chaplain had placed the book of Common Prayer, and the Psalm which Strafford selected was that most appropriate one in which David pleads not only for forgiveness to himself, but for his enemies and his country.† Having prayed for nearly half-an-hour, concluding with the Lord's Prayer, he rose from his knees, and again calling to him Sir George Wentworth, he said, "Brother, we must part;—remember me to my sister, and to my wife, and carry my blessing to my eldest son. Charge him from me that he fear God and continue an obedient son of the Church of England;—that he approve himself a faithful subject to the King; and tell him that he should not have any private grudge or revenge towards any concerning me; and bid him beware of meddling with church-livings, for that will prove a moth and canker to him in his estate; and advise him to content himself to be a servant to his country as a justice of the peace in his own county, not aiming at higher preferment. Carry my blessing also to my daughters Anne and Arabella; charge them to fear and serve God, and then he will bless them. Not forgetting my little infant, that knows neither good nor evil, and

* Rushworth, V. 265.

† Strafford's Letters, II. 433. The Psalm was the Twenty-fifth.

cannot speak for itself; God speak for it and bless it! I have now nearly done. One stroke will make my wife husbandless, my dear children fatherless, my poor servants masterless, and separate me from my dear brother, and from all my friends; but let God be to you and to them, all in all."

Proceeding now to undress, he said—"I thank God I am no more afraid of death, nor daunted with any discouragements arising from any fears, but do as cheerfully put off my doublet at this time, as ever I did when I went to bed." Having removed his doublet, wound up his hair, and drawn over it a white cap to retain it from rendering the stroke of the axe less effective, he desired the executioner to be called, replying to his request for forgivenes—"I forgive you and all the world." He then knelt down by the block, Dr. Usher kneeling on the one side, and Dr. Carr on the other; and, after praying a short time, "he spoke some few words softly, having his hands lifted up, and closed between those of his chaplain."

Lying down upon the scaffold, to place his neck upon the block, he told the headsman that he would first "try the fitness of the block," before he laid down his head finally. Having done so, and before resting again upon the block, he said to him, "I will give you warning when to strike, by stretching out my hands." Doing this immediately afterwards, he was decapitated with one blow of the axe.*

* Rushworth's Collections, V. 269. His body was embalmed and removed for interment in York Minster. He had been thrice married, his first wife being Margaret Clifford, sister to the Earl of Cumberland, by whom he had no issue; the second, Arabella Holles, sister to the Earl of Clare, by whom he had one son and two daughters; and the third, Elizabeth, daughter of Sir Godfrey Rhodes, having issue—one son and one daughter.

"Thus fell," says his adversary Whitelocke, "this noble Earl, who for natural abilities, and for improvement of knowledge by experience in the greatest affairs,—for wisdom, faithfulness, and gallantry of mind,—hath left few equals." With that opinion coincided Cardinal Richelieu, for his comment on the intelligence was —"The English are so foolish that they would not let the wisest head among them remain upon its own shoulders." *

We will give one more full and unflattering character of this most influential statesman of his time, and then leave the subject—but not its consequences; for with Strafford's fall commenced the utter ruin of the Royalist cause. It is the conviction of this fact that induced us to trace its details with so much minuteness, and this, (added to the insight which it affords into the manners of the times,) has led us to insert the following, from the pen of his closest intimate, Sir George Radcliff.

"In the managing of his estate and domestical affairs, he used the advice of two friends, Charles Greenwood,† and George Radcliff, and two servants, Richard Morris, his steward, and Peter Man, his solicitor. Before every Term they met, and Peter Man brought a note of all things to be considered of; which being taken into consideration, one by one, and every one's opinion heard, resolution was had and set down in writing, whereof his lordship kept one copy, and Peter Man another. At the

* Sir P. Warwick's Memoirs, 162. Evelyn, in his "Diary," says, "I beheld, on Tower Hill, the fatal stroke which severed the wisest head in England from the shoulders of the Earl of Strafford; whose crime, coming under the cognizance of no human law, a new one was made, not to be a precedent, but his destruction — to such exorbitancy were things arrived."

† Mr. Greenwood, was a Yorkshire clergyman.

Vandyke pinx. E. Hastings del. J. Freeman sc.

Thomas Wentworth

EARL OF STRAFFORD

London: Richard Bentley, 1848.

next meeting, an account was taken of all that was done in pursuance of the former orders, and a new note made of all that rested to be done, with an addition of such things as did arise since the last meeting, and were requisite to be consulted of. His whole accounts were ordered to be made up twice a year, one half year ending the 20th of September, the other the 20th of March: for by that time, the former half-year's rents were commonly received, or else the arrears were fit to be sought after; it being no advantage either to the tenant or landlord to suffer arrears to run longer.

"He never did anything of any moment, concerning either political or domestical business, without taking advice; nor so much as a letter written by him to any great man, of any business, but he showed it to his confidants, if they were near him. The former part of his life, Charles Greenwood and George Radcliff were consulted with; and the latter part, Christopher Wandesford came in Charles Greenwood's room, Charles Greenwood desiring not to be taken away from his cure. They met almost daily, and debated all businesses and designs, *pro et contra*. By this means, the Earl's own judgment was very much improved, and all the circumstances and probable consequences of the things consulted were discovered and considered: a course which some great men have practised, and which is very efficacious to make a wise man, even though he advise with much weaker men than himself; for there is no man of ordinary capacity, that will not often suggest some things, which might else have been let slip without being observed: and in the debatings of things, a man may give another hints and occasions to observe and find out

that which he that speaks to it, perhaps, never thinks on; as a whetstone, which cannot cut itself, does make a knife sharper.

"He was exceeding temperate in meat, drink, and recreations. He was no whit given to his appetite; though he loved to see good meat at his table, yet he eat very little of it himself: beef or rabbits were his ordinary food, or cold powdered meats, or cheese and apples, and in moderate quantity. He was never drunk in his life, as I have often heard him say; and for so much as I have seen, I had reason to believe him; yet he was not so scrupulous, but he would drink healths, where he liked his company, and be sociable as any of his society, and yet still within the bounds of temperance. In Ireland, where drinking was grown a disease epidemical, he was more strict publicly, never suffering any health to be drunk at his public table, but the King's, Queen's, and Prince's on solemn days. Drunkenness in his servants was in his esteem one of the greatest faults.

"He loved hawking, and was a good falconer; yet in his latter days he got little time to see his hawks fly, though he always kept good ones. He played excellently well at primero and mayo, and for company sake, in Christmas, and after supper, he would play sometimes; yet he never was much taken with it, nor used it excessively, but as a recreation should be used.*

* Primero was a fashionable game. "I left him at Primero with the Duke of Suffolk," says Shakspeare (Henry VIII. act iv. sc. 5). And the Marquis of Worcester, in his "Century of Inventions," suggests knots to be so arranged in the fingers of a pair of "white silk gloves," that, when playing Primero, "the [illegible], and aces, which the player discarded," may be easily remembered. M. Duchat, in a note to the 22nd Chapter of the 1st Book of Rabelais, gives directions for playing this game.

His chief recreation was after supper, when, if he had company which were suitable unto him, that is, honest cheerful men, he would retire into an inner room, and sit two or three hours, taking tobacco and telling stories with great pleasantness and freedom; and this he used constantly, with all familiarity in private, laying then aside all state, and that due respect which in public he would expect.

"He loved justice itself, taking great delight to free a poor man from a powerful oppressor, or to punish bold wickedness, whereof there are sundry instances to be given, both at York and in Ireland. This lost him some men's good will, which he thought to be better lost than kept upon those terms. One person of quality, whom he had severely punished at York, came to be one of his judges in the Lords' House, and there did him all justice and favour (as the case then stood) in his last troubles; who therefore deserves to be honoured, especially by us that had relation to him.*

"He was exellently well studied in that part of the English laws, which concerns the office of a justice of peace; insomuch as one of the Judges of Assize, a great lawyer, was well pleased to learn his opinion in a matter about the poor, and the statutes made concerning them. By constant attendance at the Star Chamber for seven years together, he learned the course of that court, and many directions for his carriage towards the public. This was a most pleasant and useful employment for a young gentleman in those days, who is likely to have any part in the government of his country.

"He bore a particular personal affection for the King

* Probably Lord Savile.

and he was always a lover of monarchy, although some that have observed him in former Parliaments thought not so; but they little knew with what respect and kindness King James had used him; for as certainly that Prince thought him no enemy to his power. It is true, he was a subject, and sensible enough of the people's liberties; and he always thought that regal power and popular privileges might well stand together; and then only they were best preserved, when they went hand in hand, and maintained one another. He always disliked the abuse of regal authority to the oppression of subjects, for private ends and interests; yet it being most hard and difficult to keep the interests of the King and people from encroaching one upon another, the longer he lived, his experience taught him that it was far safer that the King should increase in power, than that the people should gain advantages on the King.*

"His prudence and diligence are best shown by the government of Ireland, wherein he never undertook any business that he would give it over till he had finished it. He was constantly at work himself, and set out able instruments in every kind proper for his assistance: to them he gave little rest, still calling on and encouraging them to be doing, and to give accounts of what they had done, and rewarding plentifully all that deserved

* This is a weak attempt to defend Strafford's tergiversation; and we must remember that in pleading for him the writer was, by implication, shielding himself. Ratcliff, and another relative, Wandesford, most conveniently were converted at the same time that Strafford was won from thinking that monarchy is an institution intended for the benefit of the people. They all once concurred in maintaining that the King cannot rule without Parliaments, nor without the [illegible] the laws they have sanctioned. "The Laws," said Strafford, when in the House of Commons, "are not acquainted with Sovereign Power."

it. If those he employed were diligent and dexterous to dispatch the King's business, they needed not study for suits for themselves; his watchfulness and bounty would prevent them, wherein I could give a multitude of instances.*

"In the compass of seven years, whereas the King's revenue in that kingdom before he came thither had fallen every year short above 20,000*l.* of defraying the public charge, he brought the King's revenue not only to pay all, but to yield about 60,000*l.* yearly above all payments; and it was in a growing condition, still increasing. He discharged the King's debts there, which were great, nearly 8000*l.* He got restored to the Church, lands and tithes sacrilegiously interverted, about 30,000*l.* in yearly value. He brought in all the laws in England into force to his time, (except several penal laws, which are commonly snares to the people, rather than producers of any reformation,) so as the Irish and English might live together as one people. He indenizened all the ante-nati Scots which were born before Queen Elizabeth's death: a favour of very great advantage to that nation, which it may be hoped some of that nation will consider, and remember how some of their countrymen reputed that benefit. He saw the army complete, duly paid, duly clothed, and duly exercised, whereof his own eyes every year were his witnesses. He secured the seas from piracies, so as only one ship was lost at his first coming, and no more all this time; whereas every year before, not only several ships and goods were lost by robbery at sea, but also Turkish

* Strafford gave the leading features of his own character in one sentence—"I despise danger—I laugh at labour."—*Strafford's Letters*, I. 80.

men-of-war usually landed and took prey of men to be made slaves. By this means and other encouragements of merchants, trading did increase to full treble of what it was formerly; and for every ton of shipping which he found in Ireland, he left an hundred tons, as may be particularly shown by a list of all the shipping found and left in every harbour of that kingdom. In the mean time, he caused the merchants to pay their customs more duly than they had done, whereof many incorporations were more sensible and displeased at it, than the great security and benefit which they received in their trading did recompense, in their apprehension. But the whole kingdom felt the benefit, inasmuch as all lands throughout Ireland increased near double in yearly value and rents within the compass of these seven years; insomuch that it was generally observed that Ireland never lived in that tranquillity, and plenty, and liberty from oppression, and other blessings that made a nation flourish, as it did under his government. That all people should be satisfied, it is impossible; but when the complaints of discontented persons are duly heard and considered, they will very easily be answered by any that knew those times.

"He was naturally exceedingly choleric, an infirmity with which he had great wrestlings; and though he kept a watchfulness over himself concerning it, yet it could not so be prevented, but sometimes upon sudden occasions it would break forth. He had sundry friends often admonished him of it; and he had the great prudence to take in good part such admonitions: nay, I can say that I, one of his most intimate friends, never gained more upon his trust and affection than by this

freedom with him, in telling him of his weaknesses. For he was a man and not an angel; yet such a man as made a conscience of his ways, and did endeavour to grow in virtue and victory over himself, and made good progress accordingly.*

"He was defamed for incontinence, wherein I have reason to believe that he was exceedingly much wronged.† I had occasion of some speech with him about the state of his soul several times, but twice especially, when I verily believe he did lay open unto me the very bottom of his heart. Once was, when he was in a very great affliction upon the death of his second wife; and then for some days and nights I was very few minutes out of his company. The other time was at Dublin, on a Good Friday, (his birth-day) when he was preparing himself to receive the blessed sacrament on Easter-day following. At both these times, I received such satisfaction, as left no scruple with me at all, but much assurance of his charity. I knew his ways long and intimately; and though I cannot clear him of

* In mitigation of our reprehension of Strafford for his extreme irritability, we shall do well to remember that he had to exert his mind to an unwonted degree, whilst suffering from two complaints tending more than any other to produce acerbity of temper—gout and a calculous disorder.

† Both Strafford and the Countess of Carlisle were much belied, if their intercourse was Platonic. His regard for her interests would strike any one, even ignorant of the reported intrigue; for whatever embarrassments pressed upon the Irish Treasury, he always took care that she should not suffer.—*Strafford Letters* and *Sidney Papers*. The Countess was one of the most beautiful women of her time; and when a widow, or, as Waller then happily described her,

"A Venus rising from a sea of jet,"

she became, according to Sir Philip Warwick, the inamorata of Pym. Leaving the gay Cavaliers for the more rational Puritans, "she frequented their sermons and took notes."—*Warwick's Memoirs*, 204.

all frailties (for who can justify the most innocent man?) yet I must give him the testimony of conscientiousness in his ways, that he kept himself from gross sins, and endeavoured to approve himself rather unto God than unto man, to be religious inwardly and in truth, rather than outwardly and in show.

"I need say little of his eloquence and abilities in speech. Both Houses of Parliament in England, and the Star Chamber and Council-table there, as also the Presidential Court at York, and the Council-chamber, and Star Chamber and Parliament in Ireland, and as much as any of these, his last defence at his trial in Westminster Hall before the King, Queen, Lords, House of Commons, and multitudes of auditors of all sorts, are most full and abundant witnesses hereof, to omit his private and public letters, which showed that he writ as well as he spoke. This perfection he attained first by reading well-penned authors in French, English, and Latin, and observing their expressions; secondly, by hearing of eloquent men, which he did diligently in their sermons and public speeches; thirdly, by a very great care and industry, which he used when he was young, in penning his epistles and missives of what subject soever; but above all, he had a natural quickness of wit and fancy, with great clearness of judgment, and much practice, without which his other helps of reading and hearing, would not have brought him to that great perfection to which he attained. I learned one rule of him, which I think worthy to be remembered. When he met with a well-penned oration or tract upon any subject or question, he framed a speech upon the same argument, inventing and disposing what

seemed fit to be said upon that subject, before he read the book; then reading the book, compare his own with the author, and note his own defects, and the author's art and fulness; whereby he observed all that was in the author more strictly, and might better judge of his own wants to supply them.

"But amongst all his qualities, none was more eminent than his friendship, wherein he did study and delighted to excel; a subject wherein I can worst express myself, though I have most to say, and greatest scope to enlarge myself: for I cannot think of it without remembering what I lost in his death; a treasure which no earthly thing can countervail: such a friend as never man within the compass of my knowledge had; so excellent a friend, and so much mine. He never had anything in his possession or power, which he thought too dear for his friends: he was never weary to take pains for them, or to employ the utmost of his abilities in their service. No fear, trouble, or experience, deterred him from speaking or doing any thing which the occasions of his friends required. He was never forgetful, nor needed to be solicited to do or procure any courtesy which he thought useful for or desired by his friends. He spent eight years' time, besides his pains and money, in soliciting the businesses and suits of his nephews, Sir George and Sir William Savile: going every term to London about that only, without missing one term in thirty, as I verily believe: and all this, merely in memory of the kindness which had passed between him and his brother-in-law, Sir George Savile, then deceased. The Lord Baltimore, and the Lord Keeper Coventry, both of them on their death-beds gave him a most singular testimony of

their sense of his most constant kindness and industrious promoting of their interest at the Court, above the ordinary course of Court friendship. How he bestirred himself in an arbitration between the Earl of Arundel and Surrey, and Philip Earl of Pembroke, wherein he was named on the Earl of Arundel's part, the particulars are more than I can well set down; and the consequence thereof I am very willing to forget. It will be too long for me to design to express the obligations his kindness laid on particular men. There are very many that have cause to remember them, and they or their posterity enjoy the fruit thereof. In fine, he did not seek friendship with all men; but where he desired intimacy, his kindness did appear much more in effect than in words. He never failed where he did profess friendship; yet the time was, when he might have secured himself from the great opposition raised against him in Parliament, if he would have consented to have done, and forborne to have done, some things, concerning some whom he accounted his friends, which some men would not have scrupled at: and God knows whether he was repaid again with the like kindness and fidelity."

CHAPTER V.

The Parliament attacks Laud—Puritans too strong for him—Sir E. Dering opens the attack—Case of Mr. Wilson — Mr. Grimston denounces Laud—Denzil Holles impeaches him — Committed to the Tower—Sir F. Windebanke attacked and flies — His memoir — Sir H. Vane, his co-secretary—Lord Keeper Finch threatened — His defence — Impeached, but escapes to Holland—Subsequent life — Sir G. Ratcliff and Judges assailed—Sir R. Crew—Misconduct of the Bishops—Letter of Sir F. Fairfax—Petition for a University at Manchester — Strafford's Trial — Exclusion of the Bishops from power—Lord Fairfax's property—Charles careful of Church government—Dr. Wren and eleven other Bishops impeached — Root and Branch Bill—Division of opinion relative to them—Popular Riots—Bishops' lives endangered—They absent themselves from Parliament—Their Protest—Charles communicates it to both Houses—Twelve Bishops imprisoned for High Treason—Arguments for excluding them from Parliament—Counter-arguments—Bishops Hall and Latimer differ—Recal of Prynne and others —Abolition of Star Chamber and other Courts—Charles recapitulates his concessions—Queen of Bohemia and the Palatinate—Letter of the Countess Lewenstein—Charles Fairfax—King proposes to visit Scotland—Fears of the Commons — Rumoured Designs — Mutinous conduct of the Army — Letter of Charles Fairfax—Petition against serving as Jurors—Letter of Mr. Stockdale—Oppressive conduct of the Soldiers — Levying Subsidies —Peers exempted — Three Regiments disbanded — Mr. Hyde Chairman of Bishops' Committee—Earl of Holland appointed to disband the Army—Letter of Mr. Stockdale — Course of proceeding — Sir J. Astley — Sir J. Conyers — Billet-money—Dishonesty of the Officers—Visitors to Harrowgate Spa — Disputed Accounts — Misdemeanour of Returning Officer for Knaresborough — Billet-money due from one Regiment—National Debt—Alarm of Commons—Money borrowed by them—Levy a Poll Tax—Letter of Mr. Stockdale—Ill conduct of the Judges—Ship-money—Review of the Poll Tax—Increase of Recusants—Proposal of Tax for Suppression of Irish Rebellion.

LOOKING back upon the contest which had been carried on between the Parliament and the King, from the beginning of the reign to the day of Strafford's execution, extending over a period of sixteen years, we

are at once struck by the progressive advance made by the former towards the attainment of their objects. Adapting their weapons to every new emergency, addressing themselves with consummate skill and sleepless vigilance to the evasive shapes into which the royal despotism glided from session to session, never compromising a fraction of their demands, standing always firmly on their privileges, and faithfully resisting the encroachments of the throne at all hazards, and in the face of an authority which possessed and exercised the prerogative of extinguishing their deliberations, the Parliament steadily pursued their purpose, until at length they succeeded in bringing one great culprit to the block. The punishment of Strafford may have exceeded the measure of his offences, the prosecution may have taken the colour of vengeance; but higher considerations intervene at this distance of time to guide us to a more comprehensive judgment on these transactions. The matter at issue was of deeper interest than that of the exact justice dealt out to an individual under circumstances of unprecedented pressure and alarm, or the temper with which an impeachment for high treason against the rights of the people was conducted by their long suffering and much outraged representatives. The liberties of the country were at issue between the Crown and the Parliament, and were in peril at every step of the conflict. It is quite consistent with the enlightened patriotism of the present age to commiserate the fate of Wentworth, and to admit at the same time the controlling necessity, involving the existence of the constitution itself, under which this proceeding and all other extreme measures of the

Commons, were so strenuously carried to their consummation.

Previous Parliaments had done, and could do, little more than assert popular principles and fall by them. They presented a series of popular martyrdoms. Buckingham triumphed over them to the last. Their power had not acquired the requisite concentration to enable them to grapple with him successfully. The career of the King had been a career of impunity, fretted, no doubt, by constant impediments and unwearying protests; yet still showing a vitality which it often seemed hopeless to oppose. But the constancy of Parliament lived down all obstacles. If hitherto they had been unable to accomplish tangible results, they had systematically prepared the public mind to expect them. They had developed public opinion. They had organised the moral strength of the country. They had clearly expounded the practical grievances under which the people were suffering, had fearlessly dissected the illegal and arbitrary conduct of the King, defined the boundaries, then ill-understood, of constitutional right, and, without being able to effect an impression upon the force arrayed against them,—sustained as it was by fear and venality, by old superstitions and hereditary resources—they had blocked up the passage to its farther progress. Above all things they had strengthened the faith of the people in the justice and ultimate triumph of their cause, by proving to them that there were steadfast and resolute men in the breach, ready to defend it to the last extremity.

And now came the time for action. The whole proceedings of the Parliament that doomed Strafford to

the death, were distinguished by an energy of movement such as had never before been exhibited within its walls. Not satisfied with eloquent speeches, and courageous declarations, they decided every question they discussed. Their resolutions reached all the conspicuous abuses of the time; Ship-money was denounced as a violation of law and the rights of property; patentees and monopolists were expelled from the house; and the judges were protected in the discharge of their functions. To have stopped with the prosecution of Strafford would have left greater evils unredressed behind; and the course which they had thus so auspiciously begun, they determined to pursue with a promptitude and firmness which filled the secret chambers of Whitehall with dismay. The next delinquent upon whom they seized was Archbishop Laud.

Laud was the foremost man amongst the advisers of the King, who insisted upon increasing the powers of the throne and the prelacy. He was the first to be swept away by the irresistible tide of reform. He had made war upon the Puritans, a term of contempt which was used so indiscriminately as to embrace a large majority of the whole population. The Court doctrines on these matters were well expressed by Sir Benjamin Rudyard — "Under the name of Puritans all our religion is branded, and under a few hard words against Jesuits, *all Popery is countenanced.*" But the Puritans were too strong for Laud, and he had now to meet the consequences of his infatuated policy.

The impending storm was ominously shadowed forth by Sir Edward Dering,* within a week after the Par-

* Parl. Hist. II. 662. Sir E. Dering was a Knight of the Shire for Kent.

liament assembled; and about a fortnight later, Sir Edward renewed his denunciation of the archbishop, in language still more menacing and explicit.*

Not a solitary voice was raised in the archbishop's defence; and on the 16th of December the Convocation and its canons were condemned by the House. On the 18th a committee, embracing all the leaders of the House, reported through their chairman, Mr. Grimston, that Laud was "like a busy, angry wasp, —his sting in the tail of everything,—and that it was not safe that such a viper should be near his Majesty's person." † Mr. Denzil Holles was then commissioned to impeach him at the bar of the House of Lords; and that prelate not offering a word of defence, was committed to the custody of the Usher of the Black Rod, and finally to the Tower.‡

The committal of Laud was followed by fresh proofs of the activity of Parliament.

The next officer of state assailed by the House of Commons was Sir Francis Windebanke, "the very broker and pander" of Rome, who in terms still coarser was denounced by Mr. Grimston. Sir Francis was one

Though an opponent of the Court and Ecclesiastical misrule, he was a Royalist; was expelled from the House in 1641; raised and commanded a regiment of horse for the King; was deprived of all his estates, and died in poverty at a farm-house once his own, at Surrenden, in Kent. His death occurred in 1644.

* Parl. Hist. II. 671.

† Nalson's Collections, I. 691. Abuse seems to have been an acknowledged figure of rhetoric in those days, and "Viper" a favourite term of reproach. The King, in dissolving a former Parliament, spoke of the Opposition members as "vipers," who must expect to be crushed.

‡ There is this entry in his "Diary":—"March 1st, I went in Mr. Maxwell's coach to the Tower. No noise till I came to Cheapside; but from thence to the Tower I was followed and railed at by the apprentices and rabble in great numbers, to the very Tower gates, where I left them; and I thank God he made me patient."

of the Secretaries of State, and the charges preferred against him were, that he exercised his official power to protect and promote the interests of the Papal religion. The truth of the accusation is admitted even by the friendly Clarendon, who says that "he was, indeed, an extraordinary patron of the Papists." * Either by design or accident he was allowed to escape, for being ordered to withdraw from the House whilst the charges were in debate, he retired to the Committee-chamber, and, finding no further notice was taken, he hastened to his own house, and fled the same night "in an open shallop" to Calais. Clarendon intimates that the charges would have implicated Sir Henry Vane, whom the Commons desired to shelter, which seems to favour the suspicion that the House connived at his escape; a suspicion slightly strengthened by the subsequent conduct of the Commons, who, being summoned to attend the Peers just as they were about to enter upon the charges, afterwards adjourned their deliberations without again referring to his case.

The Lord Keeper Finch was next assailed, and

* Clarendon's History, I. 142. Windebanke had become Laud's intimate friend whilst fellow-students at St. John's, Oxford; and Laud, duly estimating his pliable character, obtained for him the secretaryship vacated in consequence of Sir Dudley Carlton's death. This was in 1632.—*Laud's Diary.* Windebanke returned to England, and endeavoured to effect a reconciliation with the King; but the latter refusing to see him, Windebanke again retired into France. He died at Paris, in 1646. His eldest son was a gentleman of the Privy Chamber to Charles the Second. His second son was shot for traitorously surrendering Blechingdon House to Cromwell; and the third, a physician, was patronised by Cromwell, when Protector.—*Wood's Athenæ Oxon.* In a letter to the Lord Chamberlain, the Earl of Pembroke, he declares that he considered the Church of England "pure and orthodox;" but he does not declare whether that Church was Protestant or Papist. Saunderson says that Windebanke died "a professed Roman Catholic;" but Whitelocke says that it was only so "reported."

he boldly demanded to enter upon an anticipatory defence, before any charges were preferred against him. That defence was eloquent and specious, but the House were not to be won over by his eloquence from the memory of his conduct as its Speaker, as Chief Justice in the case of Ship-money, and in the enlargement of the Forest. "Had not this syren so sweet a tongue," said the member for Wigan, Mr. Rigby, "he could not have effected so much mischief;" and his concluding words prevailing, "Let us not be so pitiful as to be remiss; not so pitiful in judgment as to have no judgment,"—Lord Falkland was directed to carry up to the Lords an impeachment against "John, Lord Finch, Baron of Fordwich, and Lord Keeper." This was on the 21st of December, and having a timely warning, he, like Windebanke, passed into exile, and like him, writing to the Earl of Pembroke, protested his innocence. He appears to have remained concealed for a few days in England before he commenced his flight; for he says—"I am now at the Hague, where I arrived the last day of last month (December), and where I purpose to live in a fashion agreeable to the poorness of my fortunes." *

Some other civilians, but of minor importance in the ranks of the absolutists, such as Sir George Ratcliff,

* Parl. Hist. II. 698. The friends of this unprincipled man in the House of Commons continued the debate as to his impeachment until the Peers had risen, so that he could not be secured that day.—*Clarendon's History*, I. 141. This gave him time to escape. He remained in exile about eight years; and paying a heavy fine, was then allowed by Cromwell to return. He suffered himself to be drawn from his retirement near Canterbury, to be one of the judges for the trial of the regicides, and so conducted himself as to die detested by all parties. His death occurred at the close of 1660. No greater proof of his baseness need be remembered than his consenting to have Sir Robert Heath displaced, and to succeed him, that the levying of Ship-money

the Irish Secretary and relative of Strafford, and six of the judges who had declared the levy of Ship-money legal, by their judgment against Hampden, were also added to the number of the impeached. It is sufficient thus briefly to notice these impeachments, as demonstrative of the sweeping determination with which not only the reversal of every unconstitutional act was pursued, but to bring punishment upon those co-operating to inflict the wrong.

But whilst the House of Commons thus sought to deter by punishment, they were not unmindful to promote and to encourage by their votes of approbation and reward those who had asserted popular rights. The reparations to Sir John Eliot and his fellow-sufferers have been already noticed; yet another act of justice deserves remembrance, because, as was truly but quaintly said by its advocate, Denzil Holles, "Reward and punishment are the two legs that justice walks on; but reward is her right leg, the more noble and the more glorious." This was said in asking the Peers to join in a petition to the King for some mark of special favour to Sir Randall Crew—"that good old judge," who had been displaced from the Chief Justiceship of the King's Bench, because he refused to pronounce in favour of one of the King's unparliamentary loans.*

might be more efficiently enforced. That event, and Sir John Banks's apostacy for the Attorney Generalship, on the death of Noy, were thus noted at the time by some Westminster Hall wit:—

Noy's (Noah's) flood is gone,
The *Banks* appear;
Heath is cut down,
And *Finch* sings there.

* This application was inopportune, for Charles was not likely at that moment to reward those who had opposed his will, and whom he had condemned.

Before we pass from the consideration of these proceedings of the Commons against the recreant judges, it deserves to be remembered, that whilst they sought for punishment on their want of integrity, they did not forget to obtain for that integrity a better security hereafter. It is usual to attribute to Charles the merit of altering the tenure by which the judges held their places, but that praise has been misdirected to him, for it is attributable to the House of Commons. On the 15th of January, 1641—for even the very birth-time of this salutary safeguard of the due administration of justice deserves to be recorded—Charles assented that for the future this clause, "Quamdiu se bene gesserint," might be inserted in the patents of the judges, instead of "Durante bene placito." Charles assented, but the proposition emanated from the House of Commons, and a committee had waited upon the King to suggest and to advocate the change.*

The misconduct of the bishops came next under the consideration of the House; misconduct so strongly marked, involving them so deeply with secular affairs, that the besom of reform, in sweeping over the offenders, was directed quite as much against the existence of Episcopacy, as against the evil-doings of individual bishops.

The opinions of men, even among the most moderate of reformers, at that time, may be gathered from the following letter:—

Sir R. Crew died in 1642; and though his descendants enjoy the dignity of a Baron, it was not conferred for any merit possessed by their most worthy ancestor.

* Parl. Hist. II. 702. The statutes, 13 Wm. III. c. 2, and 1 Geo. III. c. 23, did little more than ratify this first suggestion of the Long Parliament, for securing the independence of the judges.

TO MY VERY LOVING BROTHER, MR. HENRY FAIRFAX, AT ASHTON-UNDER-LINE.

GOOD BROTHER,

I HAVE received your letter, and in it a a petition for an university to be erected at Manchester, which cannot be done but by a bill in Parliament. The charge will be great—about one hundred marks; and the effecting what is desired will be very uncertain. Those well affected to the now universities (which include, indeed, every member of our House,) will be in danger to oppose this. I should be most glad to have such a bill pass, as beneficial not only to that, but all the northern counties. I shall advise with the knights and burgesses of that county, and go the way they shall think fittest; but I much fear a happy issue of it, especially now that the House has made an order to entertain no new matter till some of those great and many businesses we have grasped be ended, the chief whereof are my Lord Lieutenant's trial, this day only entered into, which is like to hold one week; the next will be my Lord of Canterbury's trial, and with that, Episcopacy and Church-government (I hope not the liturgy, which many shoot at); and we have gone no further in that as yet than to vote in these words: "That the legislative and judicial power of Bishops in the House of Peers is a hindrance to the discharge of their spiritual function, prejudicial to the commonwealth, and to be taken away by Bill." This Act is framing, and does exclude not only them, but all clergymen from power in the Star Chamber, Council Board,

Commission of Peace, and all civil courts. The next charge will be against the Judges, for subverting the laws of the land; into which we are not yet entered; nor can we hope for half that time of sitting which will be requisite to make examples of offenders in the several kinds. For the other part of your letter, you desire to know what I will grant out of the whole estate unto you and children. Truly, brother, you must give me leave (so long as you think a third part or any whit of it due by law or reason, considering the will of my dear father,) to forbear a signification of what I will grant; nor can your own or my sister's coming (as you write) to move friends to intercede, prevail more with me than yourselves are able without any such friends.

I intend, if it please God, to be very shortly in the country, wearied with much toil, and infirm in this evil air, where I shall be glad to see my sister and you; and the rather to invite you, my brother and sister Constable, now lodged at the Pear-Tree, in the Covent Garden, have promised to come down with me, and stay this summer in the country. She has her health much better than her husband. My cousin Aske and his wife remember them to you. I think neither of them will come down. He is in his lodging again in the Temple, and in reasonable practice. Thus, with my best wishes to yourself and my sister, I rest,

Your very affectionate brother,

FER. FAIRFAX.

King-street, this 22d of March, 1640. (N.S. 1641).

Charles was wisely sensitive and wary when considering any proposed change affecting Church govern-

ment. He believed it to be the best of ecclesiastical establishments; and he now felt, when too late, that, by endeavouring to force it upon his Scottish subjects, he had endangered its very existence in England. With the wish to avoid, if possible, even any proposal conflicting with his belief, he told both Houses in a conference with them at Whitehall, that although willing to remove all innovations in the Church, yet that he made a great difference between reformation and alteration: —"I am for the first," said the King; "I cannot give way to the latter. I will not say that bishops may not have over-stretched their power, or encroached upon the temporal; which, if you find, correct and reform the abuse, according to the wisdom of former times. Yet, by this, you must understand, that I cannot consent for the taking off their voice in Parliament:" a declaration which was drawn from the King by the popular clamour, "that bishops should be no more than ciphers, if not clear done away." *

The House of Commons were not idle or dilatory in dealing with the Episcopal Bench. On the 18th of December, Laud was impeached; on the day following the Bishop of Ely, Dr. Wren, was held to bail on "certain informations of a high nature;" † and only a few months after, Serjeant Wylde impeached them and eleven other bishops at the bar of the House of Lords, in the following terms: that they "did contrive, make,

* Parl. Hist. II. 711.

† Ibid. 682. Hampden heralded the charges to the House of Lords; and Mr. Grimston, with an attempt at wit too vulgarly obvious, said, after enumerating several other ecclesiastics, that "the Wren was the least of those birds, yet one of the most unclean." For eighteen years Dr. Wren was most unjustly detained, without a trial, in the Tower.

and promulge several constitutions and canons ecclesiastical, containing in them divers matters contrary to the King's prerogative, to the fundamental laws and statutes of the realm, to the rights of Parliament, and to the property and liberty of the subject."*

These were only attacks on individual prelates; but an active opinion and spirit were abroad, not only that the holder of a spiritual office should have no political employment, but that all ecclesiastical dignities were contrary to the doctrines of Christianity. The House of Commons inclining to both these opinions resolved that for any bishop or clergyman to be in the commission of the peace, or to have any judicial power, was a hinderance to his "spiritual function and prejudicial to the commonwealth." In furtherance of this resolution a bill was passed and sent up to the House of Peers, not only restraining them from such "intermeddling in secular affairs," but also taking from them their right of voting as members of the Legislature. This was rejected by a large majority, but the House of Commons renewed the attack in a form so extirpatory of all "archbishops, bishops, their chancellors and commissaries, deans, archdeacons, and other ecclesiastical officers," that it received the very appropriate title of "the Root and Branch Bill."

Upon no question was there a more evenly balanced

* Rushworth, V. 359; Parl. Hist. II. 896. Besides Laud and Wren, the other bishops impeached were Walter Curle, Bishop of Winchester; Robert Wright, of Coventry and Lichfield; Godfrey Goodman of Gloucester; Joseph Hall, of Exeter; John Owen, of St. Asaph; William Piers, of Bath and Wells; George Coke, of Hereford; William Roberts, of Bangor; Robert Skinner, of Bristol; John Warner, of Rochester; John ——, of Peterborough, and Morgan Owen of Landaff.

division of opinion than upon this. The Court party and the leaders of the reformers were far from being unanimous. The Earl of Essex was in its favour because "seldom was anything carried directly opposed to the King's interests, by reason of the number of the bishops, who, for the most part, unanimously concurred against it." * Nathaniel Fiennes, young Sir Harry Vane and Hampden, coincided with the Earl, but Pym and Denzil Holles were opposed to such a change in the constitution of the Legislature. Even Hyde and Lord Falkland, "who had never been known to differ in the House," took opposite sides.†

The union of opinion was not more perfect outside the walls of Parliament, for, although the rabble, making a stand before Whitehall, cried out "No Bishops! No Bishops!" and although their rage against them went so far that they threatened to pull down their lodgings, and it became necessary to close and guard Westminster Abbey; Bishops were assaulted, and the Archbishop of York was rescued with difficulty; yet these were the ebullitions of none but the rabble, who with as much reason shouted subsequently for the death of the King and the abolition of the House of Lords. It is true, a petition from the City of London, sustained by fifteen thousand signatures, aided the cry for "No Bishops!" but nineteen county petitions, with one hundred thousand signatures attached, pleaded for the maintenance of Episcopacy.‡

* Clarendon's History, I. 184. † Ibid. 185.

‡ Neal, II. 356. It is needless to enumerate the adverse Petitions. Oxfordshire, Berkshire, Hertfordshire, &c., petitioned against Episcopacy; Oxford University, Rutland, Cheshire, and others in its favour.—*Nalson's Collections*, II. *passim*.

This division paralysed the attempt to pass the measure through the Parliament, and for that time it was abandoned; but the London mob prevailed in the mode peculiar to those who have more physical than moral power. The friends of Charles, however, hastened the success of the mob by arming themselves, and forming a guard about Whitehall "with more formality and ceremony than upon a just computation of all distempers was by many conceived seasonable."* A table was kept for the entertainment of these indiscreet loyalists, comprising officers of disbanded regiments, and students of the Inns of Court, spirits not likely to refrain from collision with an abusive mob; indeed, Clarendon relates that this was the consequence. Warm with indignation at the daily insolencies of the rabble, words of high contempt and scorn were interchanged; and blows, more serious than from the unarmed hand, were not long in following. Each party set up a distinguishing war-cry, and this gave birth to the epithets "Roundhead" and "Cavalier;" the first being applied to "the rabble, contemned and despised," and the other to those "looked upon as servants to the King."†

The House of Peers gave directions to the sheriffs to provide constables, and suppress the meetings; but some of the House of Commons, including Pym, declined to co-operate in this "protection" of free parliamentary discussion, by observing, that "they must not discourage their friends, it being a time when they must make use of all." Others, with better judgment, called for the adoption of measures to put down those who, "begirting the house, would prescribe what laws should

* Clarendon, I. 267. † Ibid.; Ludlow's Memoirs, I. 21, (Ed. 1698.)

be enacted, and what persons should be prosecuted."* The mob, however, prevailed, and the Bishops dared no longer venture to attend the Parliament. "The rout," says Bishop Hall, "did not stick openly to profess that they would pull us in pieces. Messages were sent down to them from the Lords, but they still held firm both to their place and their bloody resolutions. It now grew to be torch-light, and the Marquis of Hertford told us we were in great danger, and advised us to take some course for our safety."

The terrified prelates sought for advice, but none more comfortable was offered than that they should remain all night in the House; "for," added the Marquis, who, with some others, seems to have revelled in increasing the terrors of these aged divines, "these people vow they will watch you at your going out, and will search every coach for you with torches, so that you cannot escape." At length, some in the coaches of popular noblemen, "and the rest, some of them by their long stay, and others by secret and far-fetched passages, escaped home."†

Thus driven from Parliament, it would have been wisdom in them to have remained quiet until this popular effervescence had subsided, but they presented a "Petition and Protestation," "an unadvised act," observes Whitelocke, "pleasing to their adversaries, being a way prepared by themselves for setting them aside, and removing them from the House of Lords."‡

* Parl. Hist. II. 988. † Bishop Hall's "Hard Measure."

‡ Whitelocke's Memorials, 51. Twelve bishops signed it:—The Archbishop of York, and the Bishops of Durham, Lichfield, Norwich, St. Asaph, Oxford, Bath and Wells, Hereford, Ely, Gloucester, Peterborough, and Llandaff.—*Parl. Hist.* II. 994.

In that Petition, after stating that they had been "several times violently menaced, affronted, and assaulted by multitudes of people, in their coming to perform their service in Parliament, and lately chased away, and put in danger of their lives," they protest that "they dare not sit or vote in the House of Peers," and that all Acts passed or that shall be passed in their absence, "since the 27th of this instant, December 1641," are "null, and of none effect."

Charles grasped the Protest and communicated it to the Peers, by the hands of his Lord Keeper, for it kindled a hope, opened a prospect to him that he might make void under a legal pretext the statutes forced upon his acceptance. This hope was fallacious and the prospect a mirage, for all, even their friends, were exasperated at this idle attempt to embarrass the public measures, and only one voice was heard to plead for them, expressing a conviction that they were more worthy of cells in Bedlam than in the Tower.* Some of the courtiers, indeed, saw in it a divine interposition in their favour, and that "it was the finger of God." If it were so, that finger pointed the way to the bishops' prompt destruction, for "the House of Commons took very little time to consider the matter," (we quote the words of Clarendon,) "but, within half an hour, they sent up to the Lords; and, without further examination, accused all who had signed the Protestation of high treason. By this means the whole

* Clarendon's History, I. 275—9. That ill-advised Protest was the hasty suggestion of Dr. Williams, Archbishop of York; and according to Bishop Hall, in his "Hard Measure," was hurried to the House of Peers without their consent.

twelve of them were committed to prison, and remained in the Tower till the bill for the putting them out of the House was passed; which was not until many months after."*

The advocates of these changes employed arguments coinciding with those offered by Lord Say and Sele. They argued that "he who has an office must attend upon its duties, especially this of the ministry, according to the practice of the Apostles. There never was, nor will be, men of so great abilities and gifts as they were endued with, yet they thought it so inconsistent with their callings to take places of judicature in civil matters and secular affairs and employments, that they would not admit even of the distraction that a business, far more agreeable to their callings than these would cast upon them, and they give the reason of it in the sixth chapter of Acts. 'It is not reason that we should leave the word of God, and serve tables.' Again, when they had directed their disciples to choose men fit for that business, they instituted an office for taking care of the poor, lest they should be distracted by it from the principal work of their calling; adding this statement how they intended to employ themselves:—'But we will give ourselves continually to prayer, and to the ministry of the word.' Did the Apostles, men of extraordinary gifts, think it unreasonable to be hindered from giving themselves continually to preaching the word and prayer, by

* Clarendon's History, I. 278. There were various other changes voted at this time by the House of Commons, such as the Act for the abolition of Deans and Chapters, Archdeaconries, Prebendaries, and Canonries, and investing their lands in feoffees; the rents to be applied to the fitting support of "preaching ministers," and the reparation of churches. *Parl. Hist.* II. 838—77.

taking care for the tables of the poor widows?—and can the bishops now think it reasonable, or lawful, for them to contend for sitting at the council-table; to govern states; to turn statesmen instead of churchmen; to sit in the highest courts of judicature, and to be employed in making laws for civil polities and government?

"Their proper excellency is spiritual; the denial of the world, with its pomp and preferments, and employments. This they should teach, and practise; but when they, on the contrary, seek after a wordly excellency, like the great men of the world, and to rule and domineer as they do, contrary to our Saviour's precept, 'It shall not be so amongst you;' instead of honour and esteem, they bring upon themselves, in the hearts of the people, that just odium which they now lie under; because the world concludes that they prefer a worldly excellency, and run after it, and contend for it, before their own.

"Although the Pope be cast off, yet now there is another inconvenience, no less prejudicial to the kingdom, by bishops sitting in the House of Peers; and that is, they have such an absolute dependency upon the King that they do not sit there as freemen. That which is requisite to freedom, is to be void of hopes and fears; but for the bishops, it is not likely they will lay aside their hopes, greater bishoprics being still in expectancy: and for their fears, they cannot lay them down, since their places and seats in Parliament are not invested in them by blood, and so hereditary; but by annexation of a barony to their office, and depending upon that office; so that they may be deprived of their office, and thereby of their places, at the King's pleasure.

"They do not so much as sit here *dum bene se gesserint*, as the judges now have their places granted them; but at will and pleasure; and therefore, as they were all excluded by Edward the First as long as he pleased, and laws were made *excluso clero*, so may they be by any King, at his pleasure in like manner.

"Antiquity is no good plea for their being legislators, because that which is by experience found to be hurtful, the longer it has done hurt, the more cause there is now to remove it, that it may do so no more. Besides, other irregularities are as ancient, which have been thought fit to be redressed; and this is not so ancient but that it may truly be said, *non fuit sic ab initio*. Being established by law is not insuperable, for the law-makers have the same power and the same charge to alter old laws that are inconvenient, as to make new that are necessary. It can be no breach of privilege of the House; for either estate may propose to the other, by way of bill, what they conceive to be for the public good; and they have power, respectively, of accepting or refusing. There are two other objections which may seem to have more force, but they are capable of these answers. The one is, 'That if we may remove bishops, the next change may be to remove barons and earls.' But the reason is not the same; the one, sitting by an honour invested in their blood, and hereditary, which, though it be in the King to grant alone, yet, being once granted, he cannot take away; the other, sitting by a barony depending upon an office which may be taken away; for if they be deprived of their office, they sit not. And their sitting is not so essential; for laws have been, and may be made, they being all excluded; but

it can never be showed, that ever there were laws made by the King and them, the lay-lords being excluded. The other objection is, 'That the exclusion of bishops alters the foundation of the House of Lords, and innovations which shake foundations are dangerous.' But, if there be an error in the foundation, when this shall be found, and the master-builders be met together, they ought rather to amend it, than to suffer it to run on still, to the prejudice and danger of the whole structure.

"But the presence of bishops is not fundamental to the House, for it has existed without them, and yet done all that appertains to its power, they being wholly excluded. Now that which has been done for a time at the King's pleasure, may be done with as little danger for a longer time; and, when it appears to be fit and for public good, not only may, but ought to be done altogether by the supreme power." *

Arguments like these are more specious than solid. There is no inconsistency in a bishop participating in an assembly providing ordinances to deter others from evil, and for their encouragement to do well. Such a function is compatible with occupations the most holy, and is, indeed, well becoming those whose particular duty it is to provide that the laws of men shall be consonant with those of the great Lawgiver of Christianity. Yet bishops may defend their legislatorial positions upon other grounds. "They have the same right to sit in Parliament," said Selden, "as the best earls and barons; that is those that were made by writ. If you ask one of these why they sit in the House, they can only say that their fathers and grandfathers, &c., sat there before

* Parl. Hist. II. 807.

them. And so say the bishops, He that was a bishop of this place before me, sat in the House, and he that was a bishop before him, &c. It is true the titles of the first are inheritable, whilst those of the second are not, yet that takes not away the bishop's right. The bishops were not barons because they had baronies annexed to their bishoprics, for few of them had: besides few of the temporal lords had baronies; but they are barons, because they are called by writ to the Parliament, and bishops were in the Parliament ever since there was any mention or sign of a Parliament in England. You would not have bishops meddle with temporal affairs,—think who you are that say it. If a Papist, they do in your Church; if an English Protestant, they do among you; if a Presbyterian, you allow your lay-elders should meddle with temporal affairs as well as spiritual. Besides, all jurisdiction is temporal, and in no Church but they have some jurisdiction or other.

"The question then will be reduced to majus and minus; they meddle more in one Church than in another. To take away the bishops' vote, is but the beginning to take them away; for then they can no longer be useful to the King or State." * * If to these considerations are added the facts, that from education, experience, and profession, bishops must be among the best informed, and probably among the most virtuous of the nation; that they are less likely to be slavish admirers of the King, because they are elected for life, and their children are not heirs to the dignities they may acquire; and that if they did not sit in Parliament they might in Convocation; the most ingenious may be puzzled for an excuse

* Table Talk:—Bishops in Parliament.

to justify their exclusion from among the councillors of the nation. Some who object to their admission among those councillors seem to forget that bishops are particularly appointed to superintend the discipline of the Church; that its temporal welfare is another of their appropriated cares. Others seem to expect, that they should be exclusively careful in spiritual affairs; and to think that a man dedicated to God may not so much as, when he is required, cast a glance of his eye, or some minutes of his time, or some motions of his tongue, upon the public business of his King and country. "Those," said good Bishop Hall, (who for his virtues and eloquence has been called the English Seneca,) "that expect this from us, may as well, and upon the same reason, hold that a minister must have no family, or, if he have one, must not care for it; yea, that he must have no body to tend, but be all spiritual. My lords, we are men of the same composition with others, and our breeding hath been accordingly. We cannot have lived in the world, but we must have seen it, and observed it too; and our long experience and conversation, both with men and books, cannot but have put something into us for the good of others." *

* Parl. Hist. II.; Life of Selden, 228. Though we are not unfavourable to the Bishops forming a portion of the National legislature, which ought to embrace some of each class most probably indued with deliberative wisdom, yet no character is more obnoxious than a busy political prelate. Bishop Latimer had so great a distaste for this character, that he would have restricted his order entirely to their sacred duties. His words are as forcible as quaint—"Ye that be Prelates look well to your office, for right prelating is busy labouring and not lording." Instead of attending to their duties, he continues "they are otherwise occupied, some in Kings' matters, some of the Privy Council, some to furnish the Court, *some are Lords of the Parliament*, some are Comptrollers of the Mint. Is this their calling? I would fain know who comptrolleth the devil at home in his parish (or diocese) while he comptrolleth the Mint!"—*Latimer's Fruitful Sermons*, 13. Ed. 1635.

Although the Parliament does not appear to have succeeded in obtaining any mark of honorary distinction for Sir Randall Crew, they took care that other just claims more urgent for redress should be effectually regarded. Prynne, Bastwick, and Burton, were re-called from their solitary imprisonments, "conducted into London by many hundreds of horse and foot in great pomp and defiance of justice," * and "thorough" means were adopted to prevent the recurrence of atrocities like those to which they had been subjected. The Courts of Star Chamber, of High Commission, of the Forests, of the Earl Marshal, of the Stannaries, of the Lord President of the North, and of the Bishops, were all abolished. They were courts in which, in degrees more or less oppressive, the judge's discretion was the law, and they all came within the measure of that condemnation, unsparingly poured out upon one of them by Clarendon, when he said—"Such confusion has this 'discretion' produced, as if discretion were only one remove from rage and fury; no inconvenience, no mischief, no disgrace that the malice, or insolence, or animosity of those presiding had a mind to bring upon the people, but, through the latitude and power of this 'discretion,' the poor people have felt. This 'discretion' has been the quicksand swallowing up their property—their liberty." †

Those iniquitous courts, those most mischievous instruments of tyranny, which allowed political and private

* Whitelocke's Memorials, 37. The subject was brought to the notice of the House by petitions from their respective wives and friends; as were the cases of Lilburne and Leighton, with similar success.—*Rushworth*, V. 20. They were restored to their professional positions, from which they had been degraded, and recompensed for their sufferings as far as money could recompense them. The Earl of Strafford's children were also restored, in blood, by statute, and his lands settled for their benefit.—*Parl. Hist.* II. 828. † Parl. Hist. II. 828.

feeling to sharpen or to direct the sword of justice, were all swept away, though Charles lingered in giving his consent to part from two of the most powerful of them, and ineffectually sought to justify his delay by thus recapitulating the reforms to which he had previously assented, as if the removal of one evil were a justification for retaining another :—

"I hope you remember I have granted that the judges shall hold their places, *quamdiu bene se gesserint.* I have bounded the forests, not according to my right, but according to the late customs. I have established the property of the subject, as witness the free giving up, not the taking away, the Ship-money. I have established, by Act of Parliament, the property of the subject in Tonnage and Poundage; which never was done in any of my predecessors' times. I have granted a law for a triennial parliament; and given way to an Act for the securing of monies advanced for the disbanding of the armies. I have given free course of justice against delinquents. I have put the laws in execution against Papists. Nay, I have given way to every thing that you have asked of me; and, therefore, methinks, you should not wonder if, in some things, I begin to refuse: but I hope it shall not hinder your progress in your great affairs, and I will not stick upon trivial matters, to give you content."*

At the same time that the King thus assented to the Bills in question, he mentioned the steps he was taking in behalf of his sister, the dowager Queen of Bohemia, who still remained a widow and an exile, as noticed in

* Parl. Hist. II. 856.

the following letter. Her son, Prince Charles, at that time the Palatine, was in London suing for aid; but, in one of his notes to his mother, he observes, "this violence of the House of Commons for the extirpation of the bishops, root and branch, will keep back my business."*

TO SIR FERDINANDO FAIRFAX.

MY LORD AND DEAR FATHER,

SINCE my last I have seen sometimes your son,† but he comes so seldom to the Hague I do extremely quarrel with him, for I know your lordship does allow him enough to live amongst the best company, and that would be many ways for his advantage. Those great obligations I have to your lordship make me thus free, and wish for some occasion wherein I might express the gratitude I owe you. This place affords little news: you have all with you; may it end happily, and that kingdom flourish as it hath done! This ought to be the prayer and wish of us all. The Prince of Orange is gone into the field, and wishes the return of those officers who are in England. I doubt not but your lordship hath seen his son, the young Prince, who begins the world with a greater fortune than could have been imagined; but he is as good as pretty, which makes him worthy of enjoying so great a Princess.‡ I know your lordship wisheth so well to the Queen my mistress

* Bromley's Royal Letters, 119.

† Charles Fairfax. He was then a Colonel in the service of the States, and had sailed from Hull to join his regiment in 1639.

‡ The Prince Royal of Orange, at this time in England, married a daughter of Charles the First, 2nd May, 1641.

and all her's, that you will be glad to hear of their health, and wish them more happiness than this world affords them; but things may change, for to God there is nothing impossible. I dare not importune your lordship with idle discourse; I know how much your mind and actions tend to doing good, and the serious affairs you have now in hand; it will be more content to me than your lordship can imagine, that I live in the memory and favour of you and yours, and that you are all as well as is heartily wished by, my lord,

Your most humble servant and daughter,

F. LEWENSTEIN.

Hague, the 14th of May.

Whilst these reforms, or, as the King thought them, these encroachments on his prerogative, were in the full tide of progress, early in 1641 it became known that he purposed another visit to Scotland. We shall endeavour, presently, to elucidate the motives which led to that speedy return across the border; but whatever they were, the mere announcement of the intention, kindled the fears and misgivings of the Parliament. The journey northwards might be for the purpose of the King's ingratiating himself with the English army, yet undisbanded, mutinous, and unpaid. Goring's plot, fresh upon their memory, did not tend to mitigate this suspicion. Or the object in view might be to obtain a similar support from the Scotch army, still remaining in quarters about Newcastle, and awaiting the payments promised by the Parliament. This appeared the most probable intention, for the King himself seemed urgent for the disbanding of the English

troops and threw no obstacle in the way of the Earl of Holland's commission, signed on the 15th of April, appointing him the general for "satisfying and dissolving the three armies."* The English army thus would be removed, whilst that of Scotland would return unbroken until it had crossed the border.

So alarmed did the Commons become at this possibility, wearing as it did a probable front, that they made the total disbanding of all the armies the most urgent and most prominent of all necessities, or, to use their own words, "it was first to be done, and make way for all the rest."†

The House, in the same spirit of precaution, requested the Scotch commissioners to provide that their army should cross the Tees simultaneously with the disbanding of the army of England. To this the practically wise Scotchmen raised no obstacle, provided the payment of the "The Brotherly Assistance," 220,000*l.*, were previously made, or satisfactorily secured to them.‡

The fears of the House were redoubled when Pym stated that "there were divers informations given of desperate designs, both at home and abroad, against

* The Armies of England, Scotland and Ireland. Diurnal Occurrences, 80; Parl. Hist. II. 711, 762. Mr. Secretary Nicholas, writing to the King, says, "Upon consideration of the great jealousies that are raised, as if there were some intentions to make use of some of the armies to the prejudice of the Parliament, and upon the apparent delay in paying off and disbanding the English army, may it not be fit for your Majesty presently to write to the Speaker of one or both Houses, taking notice of the delay, notwithstanding your Majesty hath, from time to time, by frequent speeches to both Houses, often called upon them to ease this, your kingdom, of that grievous burthen." There was no small wisdom in this suggestion; and the King wrote on the margin of the letter, "Herein I have taken your advice; the enclosed to the Lord Keeper being to that effect, only I would have you advertise my wife of it."—*Nicholas' Correspondence; Evelyn's Memoirs*, II. 3.

† Ibid. II. 846.

‡ Parl. Hist. II. 850.

the Parliament and the peace of the nation; that the persons engaged therein were under an oath of secrecy; and that there was also an endeavour to disaffect the army, not only against the Parliament's proceedings, but to bring them up against the Parliament, to over-awe them." * They petitioned the King, therefore, "to allow a convenient time before his journey into Scotland, that the army might be first disbanded." A wary hint, more than once repeated in the royal ear, but which the King did not condescend to regard. With all their exertions to provide the necessary money, they could not arrange for the departure of the Scotch army before the 9th of August. They again applied to the King to delay his departure for fourteen days after that date,—a space of time just sufficient for the clans to get back across the border; but the King was obdurate, and on the 10th commenced his journey.†

The suspicion that Charles might tamper with one or other of the armies, was not the only motive which induced the Parliament to require the early disbanding of the armies. This motive was sufficiently urgent when they found that those whom they hoped to have as servants and assistants, were in some danger of becoming their masters and oppressors; but another incentive to the speedy breaking up of such dangerous instruments arose from their mutinies and maraudings,—conduct which may be best narrated, with other particulars, by the following letters :—

* Parl. Hist. II. 776.

† Ibid. 900.

TO THE LORD FAIRFAX, AT THE SARACEN'S HEAD, IN KING'S STREET, WESTMINSTER, PRESENT.

RIGHT HONOURABLE,

I AM to return your lordship humble thanks for your frequent remembrances of me, that can no ways correspond with your lordship but in affection, though this dull letter is a defect at this time, indeed more than usual, and may make them questionable. I have sent your lordship a rude draught of your quarterings, which your workman may conceive, at least by the subscription. The escutcheons in the church are placed in that position, that the want of one, besides the liberty to others of removing more would have made a breach, and blemished the rest. Upon Christmas eve was brought into the parish of Tewston, Captain Langley's company, heretofore billeted about Harrogate, but now unequally dispersed in that parish. They had no good report before they came, yet I hear not of any great enormity since their coming, though they be many weeks behind with their pay, for which they have their captain (a man of ill government, still at Harrogate) in suspicion. The lieutenant, Captain Rouse, a complete gentleman, who has served as major at the Isle of Rhè, has a special care and vigilant eye on them. It is much to be feared we shall have ill neighbours in them, and when their landlords' provisions fail them, that they will cater for themselves. Captain Hartly will inform your lordship of a rescue attempted at Baildon, by three or four pressed soldiers, of whose company I know not. Two blue coats of your lordship's regiment being special

bailiffs, kept still their prisoner, and dismissed their opposers with a broken sword. Our wise constables threaten the inhabitants with the sessions, if they refuse to billet the soldiers and their wives, though some confess with a loathsome disease.

Some of our substantial freeholders intend to wait on your lordship to see if that can be effected in Parliament, which you have so often, not without some fruit, attempted for their ease of attendance at the assizes and sessions;* and to see what can be done about such a project as the late Lord Savile begun concerning tenures *in capite*, of lands of mean value, &c. My wife presents her service to your lordship, and with her,

Your lordship's ever affectionate brother
to serve you,

C. FAIRFAX.

Menston, this 6th of Jan., 1640. (N. S. 1641.)

* The petition of the "Substantial Freeholders" was as follows :—

"IT may please you, Good Sir :—The poor Freeholders of Yorkshire humbly showeth ; that whereas many of them being very old and impotent of body, unfit for the service at the assizes at York, dwelling far off ; others being very poor, not having over an oxgang of land to maintain themselves and family ; all which are forced to appear and give their attendance at York, where, notwithstanding that they both pay two shillings every assize for the recording of their appearance, and that they have served, yet, nevertheless, they are many times fined thirty shillings at a time for their not appearance ; the officers and bailiffs well knowing that the pleading of such a cause will cost them more than the fine, which is a great inconvenience and trouble to the whole country. In regard whereof they humbly desire it would please your Good Worship to make some motion in Parliament for the redressing of this great abuse, that such as be above three-score and three, or impotent, or not of sufficient living, may be freed from that service ; and that the bailiff may give warning to such as are returned of any jury, or otherwise, as shall seem good to your grave and good discretions. And the whole country shall be bound to pray to God for your long life and happiness."

TO THE RIGHT HONOURABLE MY SINGULAR GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON.

RIGHT HONOURABLE AND MY MOST NOBLE LORD,

SINCE I writ last to your lordship by Mr. Henry Giffard, sundry reports have brought to us, who at a great distance are spectators of the parliamentary proceedings, the happy news of a Triennial Parliament, obtained by the provident and constant pursuit of both Houses, which you will easily believe is welcomed by all the well-affected with no less joy than the confirmation of the Great Charter hath heretofore been received by the oppressed subjects, when the princes then reigning over them have governed not by law, but according to their own fancies, or their flattering favourites' malevolent affections. It was a noble and a great work, and in all probability will effect, that both the purity of the Gospel, and the justice of the law, shall flourish. For which great blessings, as we do all owe thanks to Almighty God as the supreme actor in an act so excellent; so likewise the subjects in general, we and our posterities, are all engaged, to every member of that assembly which laboured in the achievement, to erect statues, or monuments of gratitude, such as the ancient Romans were accustomed to design unto those worthies, who had either delivered their country from bondage, or enlarged their empire.

I know the work of that House is not yet at an end; there are yet many good ordinancies abused, that must be explained, and many general evils that must be taken away, and many grieved subjects, whose

particular wrongs must be redressed; and amongst these, the least is not the abuse of the soldiery, under which burthen this part of Yorkshire now groans, and cannot long subsist without ruin. It is true that if money were constantly paid them every week, the sufferance and wrong would be unto many less sensible, though the oppression and injury be still the same, for the want of pay is most grievous to the country, who are forced to credit the soldier with all necessaries, and trust to the King and Parliament for their payment in the end.

But the insolency of the soldiers is such, as they do not only abusively use all persons whatsoever, and beat, affront, and vilify them; but also by stealth, and by open force and robbery, they take all men's goods, and consume them as they please, or sell them and spend the money in lewdness; and if any resistance be made, the parties resisting have ill language and blows, and always greater mischiefs attempted on them. And if complaint be made to the commanders, sometimes, but rarely, they imprison the offenders, but never make restitution of the goods taken, nor recompence for them; and the complainers have sometimes been beaten, sometimes neglected, and sometimes for recompences threatened to have soldiers laid upon them; so that partly through the imperious carriage of the captains, and partly for fear of the soldiers' revenges, which they ever threaten, and assuredly execute upon complainers, no man, in a manner, dares now complain, nor resist the soldiers doing him wrong. And for searching for stolen goods, no man dare attempt it; for the soldiers beat both constables and proprietors that offer to

search. The insolencies and oppressions are so infinite, and of such several kinds, that to relate them would rather seem a volume than a letter; and the cause of them all, as I conceive, is not want of pay, as they pretend, but want of discipline; the soldiers being suffered to range all over the country without control, and being never called to give any account of their wanderings. I do not think that any of this regiment about Knaresborough have been exercised these eleven weeks; so that we must raise subsidies to pay them, and yet they spoil us!

Methinks it were not unfit to move in Parliament, that the hosts in the country should be paid for their billet, and that speedily, for they have trusted till they have not means to give further credit. But before either commander or soldier be paid the rest of their entertainment, it seemeth reasonable that there should be examination, what wrong and spoil hath been done to the civil subject by them, and by what encouragement, sufferance, or occasion, it hath been done; and, thereupon, some reasonable reparation made to every man according to the proportion of his losses, and that to be done out of the remainder of their pay. It would be an act of great justice becoming that House; and it would both beget confidence in the subject of reformation, and also terror in those that hereafter had any desire to offend in the like kind. But this and all other my conceptions I submit to your lordship's more grave and judicious consideration; yet with all this confidence, that your lordship and the rest of your worthy assistants of this country will advise of some way to send comfort to your oppressed neighbours; and I, with the rest,

shall be obliged, as I myself am howsoever, to wish much increase of honour and all happiness to your lordship, and remain,

Your lordship's most affectionate
and faithful servant,

THOMAS STOCKDALE.

5th March, 1640. (N. S. 1641.)

TO THE RIGHT HONOURABLE MY SINGULAR GOOD LORD THE LORD FAIRFAX, BARON OF CAMERON, WESTMINSTER.

RIGHT NOBLE LORD,

SINCE my last letter to your lordship by Mr. Mauleverer we met about the taxing of the two first subsidies in the wapentake of Claro, which was done upon the 21st of April. Sooner we could not do it, the commission came so late; and the commission for the other two subsidies is not yet come. Your lordship is cessed at 25*l.* lands, which is more than any one man in this division; yet there were divers former estreats of subsidies produced, showing that my lord, your father, was cessed at 100 marks. But to answer that, I showed the clause in the Act for the subsidies granted 4 Caroli, wherein that charge was expressly imposed, and that in this Act, 16 Caroli, it was left out; so it was thought reasonable to reduce it to 25*l.*, and in my opinion that is too much, if due consideration be taken of the charge your lordship undergoes in other ways for your country. We named one Mr. Ewynes, of Fountains', to be head collector, but he hath procured certificate of his disability in health to undergo the employment; so we have now named one Richard Ulythorne, of Stainley,

who should this day appear to give recognisance for his collection. I conceive these two subsidies will not altogether amount to so much as the two last did in this division, which I thought might have been advanced again to the former height, by the double cess and poll-money of the recusants; but now I find that the recusants, knowing the burthen by the former double impositions in the same kind, do cunningly avoid it; in some places by procuring others to be named subsidy-men, (being conformable, or at least not convict), and they themselves to be contributors or bearers with them underhand. And in other places they get advantage by want of certificate made to the commissioners of their conviction; for we have no schedules nor certificates at all from the Clerks of the Assizes, according to the intention of the Act, and we have but lame certificates or none from divers of the Ministry. Indeed I think a man with industry might prevent them and advance the subsidies both upon the recusants and others; but I cannot see when it is advanced, that any other profit could accrue to the service, but only to increase the burthen of our particular division to the visible impoverishment thereof, and an insensible ease or advantage to the other parts of the kingdom. And besides, I perceive the Lords rise nothing in their subsidy, but rather go less, though they have drawn from the Commons a great number of their most able subsidy-men; so that if we rise, losing our bearers, and they increase not their burthen, having our best men added to them, we shall in time cast the most part of the charge upon the Commons, and little or nothing in comparison upon the Peerage.

Yesterday I gave meeting to Mr. John Mallory, Mr. Robert Stapleton, and Mr. Arthur Aldbrough, to digest certain motives to be presented in petition to the Parliament for easing of our country in the paying of any more subsidies than these two first, which are already assessed. They are to take the consent and subscriptions of the gentlemen of the North Riding to the petition; and this day I shall propound it to Sir Henry Goodrick and the rest that meet at Knaresborough upon the services now in hand. There is great reason to grant us exemption; but if our request be encountered with prejudicated sense in the major part of the House, then we lose both our hopes and labour.

In my letter by Mr. Mauleverer I gave your lordship a touch of the present inclination of the soldiery now lying in this county: they continue still much after the same manner, neither unquiet, nor well resolved to be content with peace. Yet every day their affection to the Lord Stafford's deliverance and safety doth appear most evidently; and it is the more remarkable, because it is not many months since, he was scarcely beloved or valued by any of them. The general opinion in these parts is, that he will escape the censure of treason; but I am persuaded that the House will not think it stands with their reputation, to fail in an action so much concerning the public, and themselves also in particular, if he should escape, who is known to be of a vindictive nature. I must here conclude, most affectionately wishing your lordship health and increase of honour, and shall ever rest your lordship's

Faithfully devoted servant,

THOS. STOCKDALE.

30th April, 1641.

TO THE RIGHT HONOURABLE MY ESPECIAL GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

THE long desired calm of peace in these parts begins now at length to appear. Three of the regiments, that is, Glenham's, Vavasour's, and Wentworth's, are now disbanded, and some more are said shall disband this week. What rule or order is held in it I do not hear, for the Marquis Hamilton's regiment doth not disband, as they say, until the next week; and yet it was once ordered to be sent away with the first. The soldiers begin now to be better ordered; for the death of the man who was slain at the rout in Ollerton Park, the last week, hath a little abated their violent courses; and I hope whilst they stay in these parts, the country shall receive less offence by them.

The armies once disbanded, then we shall hope the Parliament will adjourn, and your lordship return to the country for a season. We only doubt here, that the business touching the bishops, on which the House has fallen, may either cause division of the Houses, or at least delay the speedy progress to other necessary matters: and to me it seems very strange, that the taking them away should be so much insisted upon by the negative party; for it cannot but be well known and understood by them all, that our bishops were in Queen Elizabeth's time constituted and confirmed by Parliament, and therefore may, by the same power, be demolished; and the like or the same policy, with convenient limitations, again established for the government of the Church. The

Acts already passed the last week, and before in this Parliament, will so settle the civil government in a fixed and steady course as will not easily admit oppression,* and I doubt not, but such a way in the ecclesiastical policy will be resolved on by general agreement, as will repel the innovations lately endeavoured to be introduced, both into the foundation and superstructure of religion. For which great happiness as we have special cause to bless God, the author of it, so we have not a little reason, all of us, to honour those worthy persons who have been instruments of so great good unto us; and amongst the rest I am in particular obligation tied to wish increase of health and all happiness to your lordship, and to remain

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

12*th July*, 1641.

The fear expressed by Mr. Stockdale, that the Bill for the Abolition of Episcopal power, which we have already noticed, might cause a fatal disunion in the Parliament, was not ill-founded. The committee to which it was referred and of which Mr. Hyde was a member, became by his management, such a scene of confusion and of conflicting decisions, that Sir Arthur Haslerigg openly declared "he would never, hereafter, put an enemy into the chair," and the bill was abandoned until after the Civil War had actually broken out.

* The Acts referred to are probably those passed for the abolition of the Star Chamber and High Commission Court. They received the King's assent, after "taking some fit time to consider of them," on the 5th of July.

During this time five regiments had been ordered to disband, the money being provided to satisfy their arrears, and the Earl of Holland proceeded with his newly-furnished power to superintend the disarming. From the following letter it appears that he had then reached York, and had entered upon what he justly observed "might be irksome to some who delight in action, but for his own part he had rather see those armies (the English and Scotch) turn their backs one to another than their faces, for the quiet of the kingdom."

The course of proceeding appears in the following letter.

TO THE RIGHT HONOURABLE MY SINGULAR GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

UPON Tuesday last, at night, there came directions from my Lord Holland, Lord General, that we who were appointed by the Parliament to examine the billet of the soldiers, should repair to his lordship at York, to inform him of the state of that business, and the cause why we joined not with the commanders in making up that account. According to those directions, Mr. Ingleby, Mr. Marwood, and I, attended his lordship on Wednesday afternoon; and his lordship having called Sir Jacob Astley, Lieutenant Colonel Fielding, and us together, declared his noble and fair intentions to have the business evenly carried betwixt the country and the soldiers. Sir Jacob Astley laid the blame on us, that had not called the captains to join with us,

alleging that he and Sir John Conyers had by letter to us prescribed that way.* To which we replied, and made apparent, that none of us had ever, until that very morning, seen that letter, though dated June 12th; and that we, conceiving it very convenient, had by letter desired him, if he thought it necessary, to give order to have the captains join with us. To which point of our letter, he returned us answer, that he and Sir John Conyers had formerly writ a general letter to all the Commissioners, which letter he supposed we had seen, and therefore he needed not answer that particular. Upon which uncertain answer of his, we said—we were constrained alone, without the captains, to certify such billets as the country people brought to us; and we verily believed that we had done no wrong to the soldiery in our certificate.

After some interchanges of speeches, Lieutenant Colonel Fielding said to my Lord General, that he doubted not but to rectify all the differences in the billets with us, without further troubling his lordship. And thereupon we appointed to meet the next morning; but when we met, he only produced new accounts, made

* Sir Jacob Astley, who was so brave and able a commander in the civil strife of this period, was "an honest, brave, plain man,"—"purely a soldier, and of a most loyal heart." At different times of the war he was Field Marshal, and Serjeant-Major General of the King's army, Lieutenant General of the forces in some of the western counties, and Governor of Oxford and Reading. Charles raised him to the Peerage as Lord Astley, Baron Reading. He died in 1651.—*Clarendon; Sir P. Warwick.*

Sir John Conyers is mentioned by Clarendon as "a soldier of very good estimation," and we may believe this character, since even Sir Jacob Astley wished to have him by his side rather than in his distant governorship of Berwick. The Parliament hoped to win him from the King by obtaining his appointment to the Lieutenancy of the Tower, but he remained unshaken in his loyalty, and was soon removed. He appears to have been killed in 1644, during a skirmish, near Chester.

up in every constabulary within the quarter of that regiment, for six months, ending the 20th of July: unto which he said the parties had all agreed; and he desired us only to subscribe them, as allowed by us, that he might deliver them to Mr. Bradley, the paymaster, to stop so much out of every company's entertainment. Yet he declared to us that the paymaster would receive them without our hands unto them. And likewise, when we demanded transcripts of the accounts, to regulate the distribution of the monies when the country should receive it, he said he had no transcripts to deliver to us. Therefore, we thought it not fit to sign them, seeing we were not present nor called to the making of them; and if there were any just demands of the country left out (which we had good cause to suspect) we were not willing to countenance the wrong with our subscription.

This was all the effect our journey produced. Yet we have sent directions to all the constabularies to bring us their billets on Monday next, for all their demands to the 20th of July; and if we find anything wherein we can preserve the country from damage, we shall willingly contribute our pains for the common good. And, howsoever, those billets they shall bring unto us will serve to guide the distribution of the monies, when it comes to be paid in every village. On Tuesday, the 20th of July, Marquis Hamilton's regiment, and Colonel Fielding's regiment, do both disband; and proclamation is ordered to be made, that if any person claim any just debt of any captain or officer, that he repair to the colonel or lieutenant-colonel, who will satisfy them. We expected that this last month, since the 22nd of June,

should have been paid in ready money by the soldiers to their hosts; but Mr. Lucas, the Lord General's secretary, told us, that my lord feared want of money in conclusion to disband the army, and therefore durst not adventure to issue the full pay, but rather leave the country to be paid by the Parliament's order altogether. These passages I thought convenient to make known to your lordship, to the end that, if there be any occasion, your lordship may take notice of them. The rest presents my dearest observances to your lordship, and I am,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

July 16th, 1641.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

I DO still study to find out some pretence of business to countenance the address of my observances towards your lordship, which do interpose themselves amongst more serious affairs. Upon Tuesday last, the Lord Marquis Hamilton's regiment disbanded, and are all gone homewards. The continual spoils and thefts they committed all over the country where they quartered, occasions much joy amongst the country people when they were rid of them; for whilst they were amongst them, they did so overawe the civil subject, as they durst not complain of their sufferings. The commanders have made up new accounts for the soldiers' billet-money; and in some places have in a manner constrained a consent of the people to them, although

the accounts come far short of their just demands. Those moneys due to the country, are or should have been all left in the paymaster's hands. But Mr. Bradley, the paymaster, showed me his notes, by which I recollect that divers of the captains have gotten into their hands much of the country's moneys. And I hear, that divers of the captains and officers have left their credits in their quarters undischarged, of which I cannot yet make an exact certificate to your lordship, because the country have not yet in all places brought us in their new billets. But I send your lordship enclosed a note of such collections as I can make for the present, which will in part show the errors that have happened in that business.

I have writ to Lieutenant Colonel Fielding of them, who peradventure will order some way of redress; if not, the country's money must be stopped out of the captains half-pay which is still due to them, and intended to be paid the next November.

Yesterday good Sir Henry Goodrick left us; he hath been sick about three weeks. His disease, by the symptoms, seemed to be the stone, of which he rather languished than suffered any extreme fit. But the nauseousness of his stomach would not admit of meat, which wanting, his spirits wasted; so yesterday, about two o'clock afternoon he died, at the loss of whom I am not a little grieved, for I have found him very nobly respective to me, and upright in all his intentions, so far as I could observe. I am now going to attend his burial.

The Earl of Holland was at the Spa (Harrogate) on Tuesday last, but it seems he likes not the waters,

for I do not hear any certainty that he comes to lie here, as once it was expected. The Lord Fauconberg, and much other company, both of the gentry of the country and of the commanders reformadoes, are now at the Spa.

I hope the Parliament will now very shortly adjourn, and give your lordship liberty to take breath in the country, where amongst many others I shall not be the least joyful to see you. In the mean time, I wish much increase of health and honour to your lordship, and am,

Your lordship's most faithfully devoted servant,

THOMAS STOCKDALE.

23d July, 1641.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, AT HIS LODGING IN THE PALACE YARD, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

I DO here inclosed send an abstract of the billet-money for Marquis Hamilton's regiment only, from their first coming to the time they disbanded, in which I am confident there is no error, howsoever it may differ from Sir William Uvedale's account. For the truth is, he paid that regiment upon such reckonings of billet as were brought to him by the captains, without certificates or allowance of the county-commissioners, and in some places without acquainting the constables where they lay, though they caused the constable's name to be subscribed, as it hath been since avouched to me. But we have the captains' hands to testify that thus

much is due to the county, except in some few places where the captains did not make accounts with the people, but framed the account themselves as they pleased; and here we have other sufficient proof: and divers of the differences between Sir William Uvedale's account and this sent to me, happened through the paymaster's oversight, of which I showed Mr. Bradley. The other regiments which lay in Claro (as the Earl of Newport's, and Colonel Ogle's) had their account made up by Mr. Aldbrough and Mr. Duncombe, Mr. Norton and the Mayor of Ripon, the 20th of July, when they disbanded; yet in June some part of them brought their billets to us, and those are truly certified to the 20th of June, as by our certificate then sent to your lordship will appear; but when they disbanded, Mr. Aldbrough and others took upon them to certify their accounts, which I had no reason to intrude myself into, seeing they desired me not; for I did offer myself both to Mr. Norton and Mr. Aldbrough. And for some part of the train of artillery, and some part of the horse in Claro, to the 20th of June, and the fourteen days' billet in summer, 1640, we made certificate of it in June last, which I think is true, without contradiction. I suppose your lordship and Mr. Bellasis sent those certificates to the auditors; yet if you think them needful, I shall transcribe them, and send them to your lordship again.

Touching the misdemeanors of William Derelove in his office, I have this day sent to Sir William Constable certain heads or particulars, with some names of witnesses, to prove each abuse, and also the relation which Foster, the bailiff, is able to charge him with;

and I have desired him to send them to your lordship, because I have not leisure at this instant to transcribe them. And though John Derelove (who is found faulty by the Parliament for abuse touching Henry Benson's protections) be not the new-elected burgess, as it was conceived, yet that John Derelove is the man, who, being substituted bailiff by his brother William Derelove at the time of the election, did return his brother; and I think he is no fit man for a judicial place whose honesty is blemished before the Parliament, and whose ability or capacity is questionable, being under twenty-one years old. It seems now that other men think Derelove's election cannot stand; for yesterday Mr. Thomas Moore, the feodary, told me that one Mr. William Middleton, who hath some estate in Ripon, but lies in the south for the most part, told him that very day, that Derelove was to be turned out of the House, and that Mr. Bryan Palmes intended to stand to be burgess for Knaresborough, and that Mr. Palmes had writ to Sir Francis Trapps to make way for him; and I suppose that Harry Benson will side with that party.

So your lordship sees plainly there is a kind of necessity either to draw in Sir William Constable upon the election we have already made, or delay the new election till Derelove, for his misdemeanors, be cast out of the bailiff's place, unless you desire to have Mr. Palmes brought in. The rest of these lines present my due observances to your lordship; and I am,

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

16*th December*, 1641.

"THE BRIEF OF THE BILLET-MONEY MENTIONED IN THE FOREGOING LETTER.

"Brief collections touching the billet-money due in the Wapentake of Claro, in the West Riding of the county of York, for the Lord Marquis Hamilton's regiment, for six months ended 20th July, 1641, when they disbanded; as the state of the accounts now appear being not yet fully perfected, namely—

For the Lord Marquis Hamilton's regiment.	£	s.	d.
The country hath not brought us in as yet any certain account other than for five months, which was about	530	0	0
The paymaster upon an account given into him by Captain Treswell, hath defaulted for the country for six months	584	7	1
Lieutenant Colonel Fielding's company.			
The country hath brought us in account by which they challenge to be due to them	114	0	0
But the commanders do not agree to it, so they are about to make a new account more perfect. The paymaster upon accounts given to him by the officer of that company hath defaulted for the country	93	15	0
Sergeant Major Berries company.			
The country's account signed by the officers of that company amount to	345	11	11
Which is defaulted by the paymaster for the country.			
Captain Dawson's company.			
The country's accounts signed by the captains' amount to	265	15	4
The paymaster hath defaulted from him for the country no more but	220	6	2
Captain Monnyn's company.			
The country's accounts signed by the captain amount to	287	1	6

	£	s.	d.
The paymaster defaults from him for the country, no more but	242	14	8
Captain Smyth's company.			
The country demands	268	2	9
Which is defaulted by the paymaster.			
Captain Payn's company.			
The country demands	268	2	3
Which is defaulted by the paymaster.			
Captain Langley's company.			
The country hath not yet brought in their accounts, but I hear there is more due unto them than the paymaster hath defaulted, which is	268	11	3
Captain Walthall's company.			
The country demands by account signed by the captain	188	16	5
And they demand also, which the captain confesseth is due to one Walker for billet-money	8	0	0
Of which there is defaulted by the paymaster	188	16	5
Captain Bosomne's company.			
The country demands by accounts signed by the captain	287	3	1
The paymaster defaults for it	283	3	1
Captain Green's company.			
The country demands	239	16	2
Which the paymaster hath defaulted.			
Captain Watson's company.			
The country demands by accounts signed by the captain and his officers	315	2	3
The paymaster hath defaulted only	266	4	10
Captain St. John's company.			
The country demands by accounts signed by the captain	247	5	0
The paymaster deducts only	238	18	2

"By these particulars your lordship will perceive, that the captains have gotten much of the country moneys into their hands, which if the Lieutenant Colonel do

not cause them to repay, then order must be given to stop so much out of the captains' personal entertainment for the three months, yet resting unpaid to them; but I cannot yet set down either certain sum to the country's demands; nor to the errors of the defalcations: the next week I think we shall make it more certain; and Mr. Ingleby and I shall both join in rectifying it."

In the present days of systematic taxation, and after such a long familiarity with its pressure, its annoyance, and its productiveness, it is difficult to comprehend the exertions, the delays, and the contrivances to which the Parliament in 1641 was compelled to submit before they could obtain the monies requisite for satisfying the Scotch Commissioners, the two armies, and the arrears due to those on whom they had been billeted.

A private subscription was actually raised, to which the Peers contributed 5,000*l.*, for the purpose of quieting the soldiers by the month's pay, noticed by Mr. Stockdale, but it was necessary to send with it an intimation that money would soon be speedily forwarded for discharging the entire balance due.*

In the December of 1640, two subsidies were ordered to be levied "for the relief of the King's army and the Northern Counties;" two more subsidies for the general service of the State; and during the May following a further sum of 400,000*l.*, was ordered to be raised "for the great and pressing affairs of the kingdom." This being found insufficient, Tonnage and Poundage was ordered to be levied, together with "other sums payable

* Parl. Hist. X. 303.

upon merchandise imported and exported." A proposition was made, but rejected, for rendering Spanish money current, to avoid the delay of its re-coinage.*

It is amusing to observe, accustomed as we now are to a National Debt of eight hundred millions, the perturbation of the House of Commons, occasioned by the following Balance Sheet of the National Finances. The examination of "these great sums" had been confided to a special committee, and the chairman of this committee, the member for Beverley, Sir John Hotham, reported thus :—

"The Parliament undertook to pay the Army and Garrisons upon 10th of November last, which, to the 29th of June, is

Eight months and seven days	£412,050
For disbanding, a month's pay	50,000
	462,050
The King's army hath had of this	150,000
Remains due to the King's army	312,050

* Among the Fairfax MSS. is the following note of one day's Parliamentary proceedings, connected with these and other contemporary matters :—

"Tuesday, the 19th of January, 1640 (N.S. 1641.) The last week, one of the Scottish demands was read to the 'House of Commons, the total of which (besides what they are willing to bear themselves) is five hundred and fourteen thousand, one hundred twenty-eight pounds, and nine shillings, for damages and losses which they desire may be raised out of the incendiaries—the Bishops and Recusants. This day was appointed by the House of Commons to take the same into consideration. They have now sat almost all the day, about the charge to make good the accusation of High Treason against the late Lord Keeper,—was by the House of Commons delivered to the Lords last week, and by that, it is collected, that the charge against the six Judges in question will be much of the same nature, but the same is not yet resolved upon. There is three-score thousand pound in providing to send down for the relief of the King's army. The business about the Court of York is put off for a time."

The Treaty, from which time we pay the Scots, begun October 16th, which, to 29th June, is 8 months and 24 days	£216,750
For Shipping	4,000
Total due to the Scots is	220,750
The Scots have had	105,000
Remains due to them, Shipping and Pay	115,750
Due to the King's army, *è contra*	312,050
Total due to the King's army and the Scots	427,800
To the Scots must presently be paid of the Brotherly Assistance Money	80,000
And there must be, within fifteen days, in Yorkshire, else the sum will every day increase	507,800
	587,800
To pay this great sum we yet but know of—	
From the old Customers	100,000
From the new Customers	15,000
From the City	40,000
And a month hence from the old Customers	50,000
	205,000
So that all the money we have yet in view being gone, we are to provide	382,800
If the country trust the Billet, and the Officers, from a Captain upwards, be at half-pay, it is thought it will amount to	60,000
Which taken out of the sum, will rest	322,800

For the money provided by Subsidies, and otherwise, the State is conceived to be thus :—

Upon the first six Subsidies	£300,000
Upon the last	400,000
Upon the old Customers	150,000
Upon the new	15,000
Total is	865,000
The two armies have already had	255,000
Remains	£610,000

There was owing to the Scots, besides this, £220,000, for which security must be given them.*

This announcement absolutely struck terror into the members assembled; the prospect of national bankruptcy, and a vision of mutinous troops advancing upon the metropolis, made them almost frantically active. More than half a million to be paid within fifteen days was a difficulty which required the aid of the entire monied interest of London. An order was therefore forthwith passed, "That all the merchant-adventurers in town should have notice to attend the committee for raising money, in order to borrow so much of them as would serve the present occasions, at 10 per cent. interest."

This panic was a rare harvest for the gentlemen of Lombard Street, but the Rothschilds of that period knew then, as well as now, how to deal when "the money-market became tight." It was found that no sacrifice could be too great to enable them to escape rapidly from their terms of accommodation with the Scotch, and even the obnoxious impost of a Poll and Income Cess combined was proposed and adopted for the purpose.

* Parl. Hist. II. 841.

In these days of inequitably levied Income Tax, it is not without interest to know how our forefathers parcelled out the infliction. It was resolved, with some minor modifications, that every

English or Irish Duke should pay	£100	0
,, Marquis	80	0
,, Earl	60	0
,, Viscount	50	0
,, Baron	40	0
Baronets and Knights of the Bath	30	0
Knights	20	0
Esquires	10	0
Gentlemen that have 100*l.* per annum	5	0
Every Bishop	60	0
Every Dean	40	0
Canon Resident	20	0
Archdeacons	15	0
Chancellors and Commissaries	15	0
Prebendary	10	0
Every Parson, whose living is 100*l.* per annum	5	0
Lord Mayor of London	40	0
Aldermen	20	0
Aldermen's Deputies	15	0
Common Councilmen	5	0
Master and Wardens of the twelve Companies	10	0
Every one of the Livery thereof	5	0
Master and Wardens of the other Companies, and such as have fined for Master or Warden	5	0
Every one of the Livery	2	10
Every Freeman of the twelve Companies	1	0
Every Freeman of the other Companies, except Porter and Waterman	0	10
Every Merchant Stranger being a Knight	40	0
——————— at Sea	10	0
——————— at Land	5	0
English Merchants at Land, not free	5	0.

Factors	£2	0
Handicrafts-men, Strangers, per poll	0	2
If Housekeepers	0	4
Sergeants at Law	20	0
King's Sergeants	25	0
King, Queen, and Prince's Counsel	20	0
Doctors of Law and Physic	10	0
If Papists	20	0
Every Man of 100*l.*	5	0
Every Man of 50*l.* per annum	2	0
Every one that can dispend 20*l.* per annum	0	5

All other persons above sixteen, (such as receive alms only excepted,) to pay sixpence per head. Recusants double in all.*

Allusions to these various details of "the ways and means," and of the proceedings rendered necessary for supplying the latter, have been noticed in some of Mr. Stockdale's letters, and others will be found in those which follow :—

TO THE RIGHT HONOURABLE AND MY MOST NOBLE LORD THE LORD FAIRFAX OF WESTMINSTER.

My Lord,

Your lordship's letters, which Mr. Clapham sent me on Monday last, surprised me with unexpected joys; first in giving me the wished testimony of your lordship's welfare; and next, that I live in your lordship's noble thoughts, and in that degree, to be worthy to receive your commands. For the excellency of your lordship's merit doth not only engage me with the rest of this country in a general bond of observation, but your special favours bestowed on me and mine, do oblige me and them in more particular devotions to your lordship

* Parl. Hist. II. 842.

and all your noble family; and therefore your lordship may rest assured that I shall, both with diligence and cheerfulness, attend whatsoever you shall be pleased to give me in charge. That which your lordship recommends to me touching your own particular, doth appear to be most reasonable, being compared with others of most eminent estates, seeing the Act now passing doth not burthen your honour, as the former did.* And I am persuaded the rest will be of the same opinion, wherein I shall give your lordship more exact account hereafter.

I understand every day by continual advertisement and general report, that the great council, where your lordship now assists, proceed with a noble resolution and constancy in the vindicating of their country's liberty, lately most dangerously wounded and even at the last gasp of life by the treachery of her judges, who being fathers of the law, ought to have been her protectors. I know you will find too many other great persons who have been favourers and furtherers of these violations of law and liberty, and that many have been sharers in the profit, who do all of them deserve heavy fines and other brands of ignominy. But if all the judges escape with life, and none of them suffer *ultima supplicia*, I fear your clemency will be more memorable than your justice in that case.

In one of the grievances of the kingdom (the Ship-money) I was a sufferer both in matter and manner; but it was in Sir John Hotham's sheriffwick; against whose rigorous and undue proceedings although I have just cause of complaint, nevertheless, observing him

* Subsidy Act, 23rd December, 1640.

now a zealous patriot of his country, both in point of religion and liberty, the edge of my quarrel to himwards is abated. Yet methinks the head constable, Hardcastle, in whom I know no virtue, unless it be his drinking, that can merit favour, were now fit to be questioned for his most disorderly and exorbitant behaviour in that disservice of the King's. For, besides mine and many other particular men's cases, to whom his office, and the strictness of warrants in that business, did enable him to do wrong, he did apparently break all customs and rules settled for ordering and proportioning the charges that are laid upon the country, taking off part of the burthen where he favoured, and laying double the proportion in other places where he disaffected, which is a tacit argument of corruption, and howsoever, an insufferable sauciness in an inferior officer. But for my own part, I shall sit down with patience of the wrong, if other men of more judgment and greater interest in the country, be content to pass it by.

For the letters of intelligence from the party (Derelove) your lordship writes of, there hath been much speech here, and a copy of one of them was procured and sent up to the House, and put into the Speaker's hand. His son is now lately come down, and saith his father is cleared of the crime, by the testimony of some good friends in the House, which it seems is not fully so. I have seen two or three of them he sent to my neighbour you mention; and I have one which he writ to myself: and truly, in my own opinion, they contain nothing more than one friend may lawfully impart to another; unless it be crime to write to a recusant. Yet there may be more than is discovered to me, and therefore I will have both open

ears and eyes that way, and if I find anything material your lordship shall speedily hear from me. The neighbours vent suspicious language of his affection to that faction, and my imagination tells me something is not right; but unless the wrong can be made apparent, it is vain to question it.

I fear my many and impertinent lines have tired your lordship with reading, yet I must usurp your patience to tell you, that I hope to wait upon your lordship at London, as soon as I can get my wife and children home, who are still in Lancashire, where they stay until the ways mend, and the weather grow warm; and now I conclude, wishing to your lordship much increase of honour, and all other happiness, your lordship's faithfully devoted servant,

THOS. STOCKDALE.

28*th January*, 1640. (N.S. 1641.)

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, AT WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

YESTERDAY I received from Mr. Robert Benson a printed order made in Parliament dated 29th November, and with it the printed form of a certificate touching the poll-money which the order directs to be made. But in the order there are no express directions that the commissioners should make a review, or new assessment of any person; although they shall conceive that they were formerly underrated in the taxation of the poll-money. And your lordship knows that the commissioners of this Wapentake of Claro, have already taxed, collected, and paid all the poll-money, as it was

first assessed, and we have acquittances from the sheriff for it all, unless it be some very small sum in Ripon, which I think Mr. Ingilby hath by this time gotten and paid over to the last sheriff. Now, seeing there is a new order made which seems to import a review of the work, I desire your lordship to explicate the sense of the House in these two points: first, whether it be intended that we who are the commissioners should meet again, and call the country together to make a new assessment or tax, where the former is defective, (for which there is no warrant expressed in the order, as I conceive it); or whether the commissioners only are to meet, and make such a certificate as is ordered by the House, of which the model is sent us in print to guide us in the work: secondly, when such a certificate is made up, I desire your lordship to instruct me, to whom it is to be sent; whether to some special persons or committees appointed there to receive them by order of the Parliament, or to the sheriff of Yorkshire.

Upon your lordship's resolution of these two particulars I shall send to the other commissioners to meet, which till then I forbear, lest we run into error. And I suppose your lordship doth not forget that Staincliff and Ewbank have paid nothing at all to the poll-money, nor is it likely that they will tax it upon this order, without a special commission under the great seal from my Lord Keeper. I hear of no order yet come into the country to restrain the daily concourse of recusants; indeed the forces they are able to make out are not much considerable, yet their consultations may conduce to the prejudice both of Church and Commonwealth.

Divers of the best families of them in these parts have left their own habitations, and are come to live at York; as Tankard, Conyers, Cholmeley, and others. Methinks the Popish Rebellion in Ireland, should be an apt occasion thereupon to move the King to grant the two thirds of the recusant lands in England towards maintenance of the war for suppressing them in Ireland. And that being once settled in such a course, the work would be more facile to obtain the King's consent to an Act of Parliament, that those revenues should be perpetually employed to other public and politic uses of the State; annexing provisoes of restitution when the recusants shall, in such a limited time, conform themselves in religion. I will now conclude your lordship's trouble of reading, with the tender of my due observances to your lordship, and I am

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

23rd *December*, 1641.

CHAPTER VI.

The King's resistance to be expected—Encroachments of the Parliament—Pym's hints against the Peers and King—Bill for "the Perpetual Parliament"—Proposed amendment of the Lords—All parties blameworthy—Mutual distrust—Charles resolves to revisit Scotland—Reason assigned by him—Parliament anxious for delay—Real intentions of the journey—The Protestation—The King unscrupulous—Warrant to the Marquis Hamilton—Intrigues with the Covenanters—Letter of Lord Wariston—The King's efforts to win the Scotch Commissioners—Earl of Rothes—Montrose's ambiguous letter—The Plotters' proposals to the King—Letter of the King to the Earl of Argyle—Military preparations—The King leaves London for Edinburgh—Want of money—Attendants on the King—His conduct at York—Earl of Holland's report—The King arrives at Edinburgh—His base conduct—Act of Oblivion—Abandons his friends—Pardons his opponents—Abolishes Episcopacy—The Incident—Promotes the chief Covenanters—Episcopal property confiscated—Covenanters ungrateful—The King's return to England—Letter of Mr. Stockdale—Knaresborough Election contested—William Derelove—Sir William Constable—Sir Henry Slingsby—The King at York—Knighthoods conferred—Sir Philip Stapleton—Committee attending the King—Re-establishment of a Court at York—Its Trained Bands—Establishment of a Northern University—Manchester and York compete—Letter of Rev. Henry Fairfax—Counter-Petitions.

No one can contemplate the sweeping reforms, the progress of which has been glanced over in the preceding Chapter — reforms urging the King to resistance by curtailing his power, and restraining the instruments of arbitrary government, — without anticipating that some effort would be made by him to stay the current of change, and to recover some of his lost authority. The force of circumstances, the "pressure from without," had compelled him gradually to give ground, and at length to abandon, in rapid succession, most of the

strongholds of despotism. But it was not to be expected that a monarch, nursed as he was in the creed of Divine right, should relinquish the sweets of unbridled authority without making some desperate efforts, open or concealed, to get them back again. And it must be admitted that the Parliament, in their eager desire to curb this particular despot, had suffered themselves to be carried away into some extraordinary encroachments upon the just prerogatives of the Crown. They demanded that all ministers of State should be discharged, and that the King should commit "his own business, and the affairs of the kingdom, to such councillors and officers as they, the Parliament, might have cause to confide in." By this demand they struck at the appointment of the King's household as well as that of his public ministers.

The Bill for the continuance of the Parliament subverted the prerogative in a still graver matter; and Charles must have felt himself driven to the last extremity when he gave his assent to a measure which annihilated the irresponsible control he had originally asserted over the very existence of Parliament. That assent was given simultaneously with the assent to Strafford's death, and truly was it said by one who saw the ink scarcely dry upon the signatures, "The King has passed one bill against his most faithful servant, and the other against himself." The Peers endeavoured to diminish the force of this bill, by an amendment limiting its duration to two years, or some other time; but the Commons persisted, and the bill was passed, by which it was declared that the Parliament then sitting should not be dissolved or adjourned without the consent of both

Houses. The Royalists, with some truth, called it "The Act for the Perpetual Parliament."*

That these measures involved inroads upon the Executive, which, if drawn into precedents, would be attended by serious damage to the machinery of the Constitution, cannot be denied. But it must be remembered that the Constitution was not distinctly marked out at that time; that the Executive had usurped some of the most important functions of the Legislature; and that the Commons were fighting a battle for the future liberties of the country, the fate of which depended upon the restriction of the King's authority, and the security of their own independence. By these excessive measures, they neither declared nor sought to establish any general principles. Such measures were purely defensive; forced upon them by the urgency of the occasion, and adopted to enable them to found, upon an imperishable basis, those popular rights which are now the safeguard and the glory of England.

That this warfare between the Parliament and the King ultimately hurried both parties into excesses which had been better spared, may now, perhaps, be conceded, when, removed from the passions and the dangers of the time, we come to view the conduct of these affairs with historical impartiality. But the waters once let loose, it was not so easy to stay their course. Neither party had much choice of alternatives in the long run. Until he had committed himself too far to recede, it had always been in the power of the King to mitigate the hostility of the Commons by yielding to their legitimate demands. It was his constant refusal to hear their prayers that

* Clarendon, I. 204.

inspired them with so much distrust, when he was compelled to grant some terms at last. The grace which was refused to respectful entreaty and conceded only to compulsion, was not likely to be productive of amity or confidence. They justly suspected the sincerity of his compliances, and looked upon him as a retreating enemy, who was only watching some treacherous opportunity to return to the attack.

Throughout the whole struggle, it will have been seen how perseveringly the King maintained the assertion of arbitrary power, and how steadily the Parliament clung to the great principle upon which they had stood from the first. The Commons always put forward the redress of grievances as the indispensable condition of supply: the King always responded—"supply first, redress of grievances afterwards." This was a case which admitted of no compromise. There was no middle course by which the difference could be adjusted. One or the other must surrender in the end.

The Parliament had been made to feel the insecurity of their tenure. They had been capriciously called together, and capriciously dismissed. They had been treated on all occasions with contumely and arrogance; summoned only to be insulted, and dissolved without a shadow of justifiable pretext. Now when attention is recalled to the fact, that in the existence and independence of the Parliament lay the sole hope of the people, and that out of doors the popular force, scattered and divided, was incapable of presenting an effectual resistance to the exorbitant tyranny of the monarch, it will cease to be a matter of surprise that this Parliament, as it gradually gathered strength, should have sought, by

all the means in its power, to fortify its position and preserve itself, as the depository of the will of the people against the wanton assaults of the King. So far from censuring the Parliament for the measures of self-protection they adopted, we should rather, looking dispassionately at the circumstances in which they were placed, applaud the extraordinary caution and forbearance with which they acted. Driven from their chamber of deliberation, stripped of their legislative functions, and sent back, over and over again, to detail to their constituents the wrongs which had been inflicted through them upon the whole people, it could not have produced much astonishment if they had excited the country to open rebellion. But they wisely avoided an agitation which could only have ended in the ruin of the great cause they had in hand. They strictly limited themselves to the use of the means which the Constitution reposed in their discretion; and by the final triumph of their efforts they bequeathed to posterity the most remarkable example of fortitude and sound patriotism on record in the annals of the world.

To that Parliament, which sat for a period of eleven months, England is more largely indebted than to the most important victories over despotic authority achieved by similar means, or even by revolution itself; an opinion enforced by the highest authority.* The catalogue of the benefits it wrought, includes the redress of innumerable grievances connected with the administration of the Law and the Church; the abolition of the Star Chamber and the Commission Courts, the declaration of the right of the Commons to sanction the collection of Tonnage and Poundage, the condemnation of Ship-money, and

* Mackintosh, V. 275.

the passing of the Triennial Bill. The labours of all former and succeeding sessions sink into insignificance in comparison with the prodigious results of this memorable eleven months of the Long Parliament.

The King betrayed his malignity against the Parliament in a variety of sinister ways, when he could no longer show it openly with safety. Whoever was obnoxious to the Parliament needed no other passport to Court favour. Many instances have been already cited—many more might be accumulated. Lord Digby, Sir Philip Warwick, Mr. Hyde, had no sooner opposed the measures of the Parliament, than they were received into the confidence of the King. The breach was widening; but the Commons, always on the alert, noted every motion of the opposite party, and were too wary to be cajoled or surprised.

They had no faith in the most solemn concessions of the King. They knew that there was a mental reservation behind, and that he secretly designed, if opportunity permitted, to violate every engagement extorted from his fears. It was with such an intention that he resolved to make a second visit to Scotland, and the intrigues which tracked his progress, abundantly justified the jealousy with which the Commons regarded that step. They remonstrated against it, and even hinted at interposing their authority to prevent it. "If his Majesty," they said, "would be pleased to stay his journey into Scotland until the 10th of August, if then he shall be pleased to take his journey, this House shall submit unto it." * But his Majesty persisted equally against the wishes of the Commons and the Covenanters, and the advice of the Bishop of Lincoln, who told him

* Parl. Hist. II. 853.

to beware of the Scots, as they would undoubtedly reveal to the Parliament any secret overtures he might make to them. His proper place, the bishop thought, was "near Parliament, in order to watch its movements, and corrupt its members."

In spite of all opposition, however, by the Parliament, an opposition to which in other matters apparently far more fraught with important consequences he had already yielded, the King resolved to proceed to his Scottish capital. He would not even condescend to assuage their jealousy by waiting until the two armies had been disbanded; and no one for an instant could believe, that the reason publicly assigned by Charles for his now adhering to time and purpose, was anything more than a veil for some secret design. He said he was pledged by proclamation to be at the opening of the Scottish Parliament by a specified day; but he had been similarly pledged at the Treaty of Berwick, and might, as in that and other instances, have excused the breach of pledge, and have opened the Parliament by his Commissioner. Indeed he confessed there was some other reason for his fixed resolution in this matter, inasmuch as that when farther pressed to postpone his journey, he added, "A prefixed time is set for my going into Scotland, and there is an absolute necessity for it: I do not know but that things may so fall out, but that it (his stay) may be shortened."* Vague and mysterious words like these were not calculated to allay the fears and suspicions of the House of Commons; indeed, they naturally increased their anxiety and watchfulness. They begged the Peers not to adjourn;

* Parl. Hist. II. 856.

they continued to sit even on the Sunday, being the day next preceding the King's departure; hastened in every way the dispersion of the troops, and appointed a committee of their own members to attend, or rather to be spies upon Charles during his absence.

There are many evidences, besides those already quoted, which show that the King's journey was undertaken for other objects than that of opening the Scotch Parliament; but two may suffice. They are taken from the letters of Secretary Sir Edward Nicholas to the King, whilst absent on that journey, with the King's comments upon the passages appended. Writing to Charles, at Edinburgh, September the 10th, 1641, he said: "If your Majesty *overcome all difficulties* there, and make firm to you your good people of that kingdom, I believe it will not be difficult for you to put all things here in good order at the next recess." Upon the margin of which the King wrote—"You may now say confidently in my name that they are." * On the 29th of the same month, the Secretary again wrote: "Whatsoever the news be that is come hither amongst the party of the Protesters,† they are observed to be

* Nicholas Correspondence; Evelyn's Memoirs, II. 18. The words in italics are emphasised in the original.

† "The Protesters" included the whole of the House of Commons and a large portion of the gentry of England. By this name Sir Edward Nicholas designates those who subscribed to a Protestation alluded to in more than one of Mr. Stockdale's Letters, and which had been sanctioned by the Parliament early in the May of 1641. The following is a copy:—"I, A. B., do, in the presence of Almighty God, promise, vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true Reformed Protestant religion, expressed in the doctrine of the Church of England, against all Popery and Popish innovations, and according to the duty of my allegiance to his Majesty's royal person, honour, and estate; as also the power and privilege of Parliament, the lawful rights and liberties of the subjects, and every person that maketh this Protestation in whatsoever he shall do in the lawful pursuance of

here of late very jocund and cheerful, and it is conceived to arise out of some advertisements out of Scotland, from whose actions and success they intend (as I hear) to take a pattern for their proceedings here at their next meeting." Upon which the King's marginal comment is—"I believe before all be done that they will not have such great cause for joy."*

"The difficulties" intended to be overcome, and the "little cause for joy" to the Protesters, the opponents of Episcopacy, intended by the King's journey into Scotland, were to be effected by granting concessions to, and establishing a favourable party among, the Scottish Covenanters. This intrigue had been fomenting in London whilst their commissioners were in attendance upon Strafford's trial, and bargaining for the payment of their army; but it was an intrigue commenced two years before, had been successful in bringing over to the royalists Montrose, one of the Covenanting Lords, and had been pursued with a use of means in which honour and veracity had been set totally at defiance.

The Marquis of Hamilton had been an agent employed in negociating with the Covenanters, and so regardless of all moral restraint was he directed to be in the transaction, that he considered it absolutely necessary to obtain a pardon previously to his proceeding

the same: and to my power, as far as lawfully I may, I will oppose, and by good ways and means endeavour to bring to condign punishment all such as shall by force, practice, counsel, plots, conspiracies, or otherwise, do anything to the contrary in this present Protestation contained. And further, I shall, in all just and honourable ways, endeavour to preserve the union and peace betwixt the three kingdoms of England, Scotland, and Ireland, and neither for hope, fear, nor other respect, shall relinquish this promise, vow, and protestation."—*Parl. Hist.* II. 777.

* Nicholas Correspondence, II. 28.

in this affair. Of this, one of the most unique documents in political diplomacy, the following is a copy :—

[Private Warrant from King Charles the First to the Marquis of Hamilton, to converse with the Covenanters.]

TO OUR RIGHT TRUSTY AND WELL-BELOVED COUSIN AND COUNSELLOR, THE MARQUIS HAMILTON.

WE do by these Presents not only authorise, but require you to use all the means you can, with such of the Covenanters as come to Berwick, to learn which way they intend the Bench of Bishops shall be supplied in Parliament; what our power shall be in ecclesiastical affairs; and what further their intentions are. For which end you will be necessitated to speak that language, which, if you are called to an account for by us, you might suffer for it :

These are, therefore, to assure you, and, if need be, hereafter to testify to others, that whatsoever you shall say to them, to discover their intentions in these particulars, you shall neither be called in question for the same, nor yet it prove any ways prejudicial to you; nay, though you should be accused by any thereupon.

C. R.*

Berwick, July 17th, 1639.

The intrigue thus begun, had been successfully pursued during the negociations for peace at Berwick, and had been followed up in London, as we have observed, with some of the Scotch Commissioners. Promises of payment to the army whilst the Parliament were straitened for means, were opportunely given; but in addition to this appeal to their avarice, threats were held out of excepting some from the promised Act of

* Hardwicke State Papers, II. 141.

Oblivion, and honours were held out to others. These overtures were not without effect; for the Earls of Loudon and Rothes, Lord Dunfermline, and Mr. Alexander Henderson, did not turn a deaf ear to the suggestions of the tempter. Nor were these the only aids to his purpose which the King sought in his second Scottish visit, for he hoped to acquire evidence against some of the opposition leaders in the English Parliament; evidence to sustain an impeachment for their traitorous intercourse with the Scottish Covenanters, and evidence of the encouragement given to their invasion. Strafford had proposed this impeachment, but had been frustrated by his prompt arrest. No other evidence is required of the various purposes entertained by the King, than is afforded by this letter from one of the Scotch Commissioners:—

LORD WARISTON TO ADAM HEPBURN OF HUMBIE.

LOVING BROTHER,

SINCE my writing my last with the same bearer, and closing it yesternight, I had occasion this morning to speak with M., and after, by his advice, with the King, to whom I told my mind freely of the dangers and inconveniences he might draw upon himself, by discussing his actions, and forcing men for their defence to look over old practices, not so expedient for him. *Exoneravi animam meam* to him, and that for others; because, as for myself, I told him that I defied all the world that could lay to my charge any treasonable intention against his person and crown; and renewed my offer to go in chains with my accuser to Scotland.

His mind seems to be on some projects here shortly

to break out: he is certainly put upon this to stick on the Act of Oblivion, both for to save Traquair, if he grant it, or to ensnare any English whom he apprehends to have had any intelligence with us, if he grant it not. Afternoon we met all with him; he read to us a fair answer anent the Council and Sessions, and for the rest, told us that he had given as fair answers already as he could, and fairer nor otherwise he would but *pacis causâ*.

He told us that he himself would get as much of our money, and security for the rest, if the Parliament would not presently end our business; that he had thought on ways how to get it; that they professed their business depended on them, and from words of this kind to make us jealous of them. He told that if the Parliament of Scotland would prorogue themselves to some Diet again, which he is confident they will do, he will assuredly go home himself and settle the business; he has said this, and sworn it too unto us, except some impediment occur that he knows not of as yet; that he hopes to get his business ended here: then he fell on the Act of Oblivion.

We read the information, which I sent to you within a letter to Mr. Alexander Colville. He raged at it, and called us jesuitical. Then he cried and swore that if they excepted any, he would except some also; and this he declared over and over again, and professed his hope that the Parliament would be of the same judgment.

We answered, in reason, from our inability to pass from what the Parliament had appointed, and from his granting the same already in the treaty. I must tell you my mind of all this business: for aught I can learn

from any hand, both this plot of reserving some of us, and this plot of causing the King to declare his intention to go home to Scotland, is only to terrify us to pass from Traquair, and is suspected (I will say no more, nor accuse any man) to come from some of our own number, with Traquair's advice. And albeit it were a reality, that not only processes should be reserved against us, but also we were laid fast, I cannot but must write it again to you, for the exoneration of my own conscience; therefore no such thing ever ye harbour so base a thought as to be thus threatened and dung (forced) from the Parliament's pursuit of incendiaries, which, *in jure,* (for those that are named by the Parliament, and especially Traquair, protested against that in the last prorogation) neither we, nor ye there, can do, or have power in law to do. Some amongst us would terrify us with this project of the King's own presence, as able in Scotland to reverse all that is done, except the acts of the Assembly, and to gain such a party in Scotland, as to put honest men in hazard.

God forgive them who put such hopes in the King's head, albeit in reality I do not, nor do others more understanding, believe, that the King has any intention (for all that is said) to go in person to Scotland. Let us again be enjoined to do our duty, and show your firm resolution the rather to follow forth the incendiaries for these very motions by the King, and stops to the treaty, as to preserve that business safe to the Parliament; and let them do then what they please, after we have done our part. And I will profess plainly, that before ever I condescend to the passing by of these incendiaries now, till the Parliament determine, I shall rather consent to the

King's reserving a thousand of our number. Haste up your answer to us, and show this and my former letter to General Leslie, Cassilis, Lindsay, and Sir John Meldrum. Be sure this letter meet me not again, only tell them the news, or read it to them. I am sure I am in as great hazard and as much feared and hated both by Traquair, as any of our number, here or there; but I thank God I know not what it is to be feared in this business, while I do my duty. Look to your army, and be on your guard; if they could get an opportunity to rub an irreparable affront on you, paper bonds would be soon broken; if they find you circumspect, it is thought their designs will be hitherwards. There is some motion, as I hear, of the King's desire to adjourn the Houses for ten days, on pretext of the festival-days; but, as I hear, the Lower House will not adjourn. To-morrow they give up their bill of treason to the Lords. There is some of our articles anent the peace debated in the Upper House, and likely to be agreed.

My lord Dunfermline has been twice or thrice with the King; Mr. Alexander Henderson was a long time with him. God forgive them that invent such projects or tricks (for I think they shall be found empty boasts) to bring so evil an instrument for his reputation, to the dishonour of the kingdom. I will not say that any of them, or any other of Traquair's servants, have projected this to the King; I dare not say it, because I know it not, but I am sure sundry have said it, and some others suspect it; howsoever, God willing, some of us (albeit we should be left alone, and be never so calumniated) shall return home with this testimony of our own mind, that we have adhered to our instructions from them that sent us, and

I believe every one will say as much for himself. God guide the business right, keep you stout in your directions to us, and circumspective to your intestine hypocrites and foreign enemy. After reading this for my exoneration to Balmerino, send it to him within your own, that he may thereby waken his lawyers to be the more diligent and intent. In haste,

Your loving brother,

WARISTON.*

21st April, at night.

If there needed any evidence to sustain this, it may be found in the letters of another commissioner, Principal Baillie. Soon after his return to Scotland, writing to his cousin he says :—" Before I came from London, his Majesty's voyage for Scotland was resolved ; upon what grounds is but only conjectured. My lord Rothes was become a great courtier.† The Queen began to speak honourably and affectionately of our nation, and in sound earnest to think of her convoying the King to Scotland. It was thought the hearty agreement and fully satisfying of our needlessly irritated land, would be a sovereign help (remedy) of the continual harsh rencounter of the English Parliament. Besides, as it appeared afterward, about that time Walter Stewart's information had come to the King, giving probable assurances for convicting Hamilton and Argyle of capital crimes, if the countenance of a present King might favour the accusers."‡

* Dalrymple's Memorials, II. 124.

† Death prevented the Earl of Rothes being any assistance to the King in Scotland. He died at Richmond, near London, on the 23d of August, 1641.

‡ Baillie's Letters, I. 388. In another letter, dated June 2, 1641, relating to

The determination of the King to abide by his resolution, and the anxiety of the Parliament to induce him to suspend his journey, were not abated by the following mysterious document, entitled "Instructions," intercepted in the course of transmission from the Earl of Montrose to the Lords Napier, Kerr, and others :—

INSTRUCTIONS.

"1. To give advice above [in England] how necessary it is that R. [the King] do come to the Plantation [Parliament]. 2. That Honores [Officers of State] be kept till it be seen who served him best. 3. That Honores be not bestowed by the advice of the Elephant [Hamilton], for fear he crush the R. 4. To assure R. that R. and L. [Religion and Liberty] being granted, he will be powerful to crush the Elephant 5. Not to let R. drink water, except he promise not to cast up again. 6. That R. be present in person in the Proclamation [the Parliament] to countenance his own security."*

his wife that he is returning to Scotland in a ship, having in her "the King's wines and beer," he adds, "Show to my lady, (Montgomery, daughter of the Earl of Rothes), and to her only, that my lord, her father, is like to change all the Court; that the King and Queen both begin much to affect him; and if they go on, he is like to be the greatest courtier either of Scots or English. Likely he will take a place in the bed-chamber, and be little more a Scottish man. If he please, as it seems he inclines, he may have my Lady Devonshire, a very wise lady, with 4000*l.* sterling a-year. The wind now blows fair in his top-sail. I wish it may long continue; but all things here are very changeable."—*Ibid.* 354; *Clarendon's History*, I. 219. And so they proved in this instance, though in a mode differing from that in the mind of Baillie. The Earl lived to be marked as an apostate from the Covenanters, but not to receive the price which bought him.

* Rushworth, V. 290. The words within [brackets] are supplied to explain what was believed to be the genuine meaning.

This paper recent discoveries demonstrate to have come from a confederacy of the Scotch nobles and gentry then collectively called "the Plotters," concerning whom we have these particulars:—

"About the end of the year 1640, and beginning of 1641, Montrose and Napier, who had quitted the army committee in disgust, and returned to Scotland, were in the habit of supping together with a few friends, when the affairs of the nation were anxiously but temperately discussed. The party generally included, besides these two noblemen, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackhall, a Lord of Council and Session, married to Stirling's sister. Soon after Christmas of the year 1640, Colonel Walter Stewart, already mentioned, being on his way to Court, Blackhall took him to Montrose's lodgings to supper, where he met Lord Napier, Keir, and Colonel Sibbald. After this last had left the party, the remaining five retired to the Earl's bedchamber, where a conference was held, the substance of which, as well as of another between the same individuals when supping at Merchiston on the following night, was thus noted by Lord Napier himself:

"'The Earl of Montrose, Lord Napier, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackhall, Knights, having occasion to meet often, did then deplore the hard estate the country was in; our religion not secured, and with it our liberties being in danger,—laws silenced,—justice, and the course of judicatories, obstructed,—noblemen and gentlemen put to excessive charges above their abilities, and distracted from their

private affairs,—the course of traffic interrupted, to the undoing of merchants and tradesmen,—moneyed men paid with faylies (failures) and suspensions,—and, besides these present evils, fearing worse to follow,—the King's authority being much shaken by the late troubles —knowing well that the necessary consequences and effects of a weak sovereign power are anarchy and confusion, the tyranny of subjects, the most insatiable and insupportable tyranny of the world,—without hope of redress from the prince, curbed and restrained from the lawful use of his power,—factions and distractions within,—opportunity to enemies abroad, and to ill-affected subjects at home, to kindle a fire in the State which hardly can be quenched (unless it please the Almighty of His great mercy to prevent it) without the ruin of King, People, and State.

"'These sensible evils begot in them thoughts of remedy. The best, they thought, was, that if his Majesty would be pleased to come in person to Scotland, and give His people satisfaction in point of religion and just liberties, he should thereby settle his own authority, and cure all the distempers and distractions among his subjects.

"'For they assured themselves that the King giving God His due, and the people theirs, they would give Cæsar that which was his. While these thoughts and discourses were entertained among them, Lieutenant Water Stewart came to the town, who was repairing to Court about his own business. Whereupon it was thought expedient to employ him to deal with the Duke of Lennox (being a Stewart, and one that was oft at Court, they thought, but were deceived, that he was well

known to the Duke) to persuade his Majesty's journey to Scotland for the effect aforesaid. This was the lieutenant's employment, and nought else; although there was some other discourses to that purpose in the bye; as, that it was best his Majesty should keep up the vacant offices* till his Majesty had settled the affairs here; and the lieutenant proponed this difficulty, that our army lay in his way, and that his Majesty could not in honour pass through them; to which he got this present reply,—that our commissioners were at London; —if the King did not agree with them, his Majesty would not come at all,—but if he did agree, the army should be his army, and they would all lay down their arms at his feet.

"'There is no man so far from the duty of a good subject, or so void of common sense, as to quarrel this matter. But the manner is mightily impugned, and aggravated by all the means that the malicious libeller can invent.† "It is bonum," says he (no man is so impudent as can deny it), "but it is not benè; and therefore 'the Plotters,'—for with that odious name they design them, — ought to be punished with loss of fame, life, lands, goods and gear, and be incapable of place, honour, or preferment,"—a sore sentence any man will think, after the matter be well tried and discussed.'" ‡

* The Offices of State, some of which were vacant in Scotland in consequence of the revolution there.

† Referring to the criminal libels, drawn up in 1641, against Montrose and Napier, at the instance of the Lord Advocate, but most probably composed by Wariston.

‡ Original MS. in Lord Napier's handwriting, in the Napier Charter Chest.—*Napier's Life of Montrose*, 151.

Copies of letters from some of those "Plotters" to the King are still existing in the Napier Charter Chest and elsewhere, and though neither the originals nor their contents could be clearly traced, yet sufficient was known to cause the writers to be imprisoned and put in peril of their lives. The knowledge of this was another reason for the King's firm determination not to forego, nor even to delay, his journey; and, when at Edinburgh, this made him equally firm not to return until he had rescued the prisoners from their peril. So much was discovered, that the King could not venture to deny that he had addressed replies to the letters he had received from "The Plotters," and his acknowledgment of the fact is contained in this letter to the Earl of Argyle :—

ARGYLE,

I AM informed that one Lieutenant Colonel Stewart, employed here (as it is said) by the Earl of Montrose, has deponed something of his dealing with Traquair, and that by him I should have given assurance of disposing of some vacant places, to such persons as were joined in a late bond with the Earl of Montrose; thereby insinuating that my journey to Scotland was only desired and procured by Montrose and Traquair, and likewise that my intent therein is rather to make and further parties, than to receive from and give contentment to my subjects. Now since that (by the grace of God) I have resolved of my journey to Scotland, it makes me the more curious (anxious) that my actions and intentions be not

misconceived by my subjects there. Therefore, in the first place, I think fit to tell you, that I intend my journey to Scotland for the settling of the affairs of that kingdom according to the articles of the treaty, and in such a way as may establish the affections of my people fully to me; and I am so far from intending division by my journey, that I mean so to establish peace in State, and religion in the Church, that there may be a happy harmony amongst my subjects there. Secondly, I never made any particular promise for the disposing of any places in that kingdom, but mean to dispose them for the best advantage of my service, and therein I hope to give satisfaction to my subjects. And as for my letter to Montrose, I do avow it, as fit for me to write, both for the matter, and for the person to whom it is written, who, for anything I yet know, is no ways unworthy of such a favour. Thus having cleared my intentions to you as my particular servant,* I expect that, as occasion may serve, you may help to clear those mistakes of me which upon this occasion may arise. Lastly, for the preparation of my coming home, I do rather mention it to show the constant resolution of my journey, than in any doubt of your diligence therein, and so I rest,

Your assured friend,

CHARLES R.†

Information of these northern plots, all having for their object the establishment of a power countervailing

* Argyle was a Privy Councillor.

† Letters of the Argyle Family, printed in 1839, and given to the Maitland Club.

that of the English Parliament, was speedily communicated to them, and strengthened their determination to adopt the measures of security already noticed. But they proceeded still further, and obtained a guard for the protection of themselves, and petitioned the King that the whole of England, especially the northern counties, might be placed in a posture of defence.* In accordance with this request, Hull and other of the northern towns were supplied with ammunition, and the Trained Bands were ordered to be exercised. Those of Yorkshire were not omitted, and Lord Ferdinando Fairfax, who now sided with the popular party, had one regiment placed under his command. The following letter relates to some of the consequent arrangements.

SIR WILLIAM FAIRFAX TO FERDINANDO LORD FAIRFAX.

My Lord,

Your letter came too late to my hands for me to return your lordship thanks by that post. I shall ever acknowledge it for a great honour; and the more, because I know your lordship is very much employed in Parliament business, and may very ill spare so much time as to write to your friends. I shall be glad to hear what your lordship hath done concerning the Anisitye petition.† We much need commissioners, as you know very well, and I hope will so satisfy the House. I am very willing to accept the company, since it is in my lord's own regiment, for I very much honour

* Rushworth, V. 291.

† A Liberty attached to the City of York.

his lordship; and I pray you, my lord, let him know so much, which, since I am resolved to settle myself in this county, I cannot but think it my duty to do it the best service I can, and therefore, if your lordship think fit to get me put in commission for the West Riding, I shall endeavour to perform what I am able, and acknowledge your lordship's favour. So I take leave to rest,

Your lordship's humble servant,

WILL. FAIRFAX.*

From Stecton, 25th July, 1641.

My wife was brought to bed of a daughter, the last week; she remembers her service to your lordship.

On taking leave of the Parliament, the King commended the preservation of the kingdom in peace during his absence to its care, and departed for Scotland on the 10th of August. It was intended, at one time, that the Queen should have preceded him some few days, and, tarrying at York, there have awaited his return from Scotland.† This intention was abandoned, probably so soon as the Parliament's jealousy of even the King's passage through the army there was observed; and it was then proposed that she should visit the Continent, for the alleged purpose of recruiting

* Sir W. Fairfax, killed at Montgomery Castle, in 1644.

† Bromley's Royal Letters, 121. Even after the King's arrival at Edinburgh, and when he was losing no single opportunity of complaisance to the Presbyterian party, a report was circulated that the Queen would join him at Edinburgh. Sir Patrick Wemyss, writing from Edinburgh to the Earl of Ormonde, in October, 1641, says, "There is a whispering that the Queen is to be sent for, and that she is willing to come without having either priest or friar with her."—*Carte's Ormonde Correspondence*, I. 8.

her health at Spa. This plan was also abandoned, upon a remonstrance from the House of Commons, expressing their morbid jealousy of the movements of every papist; and some restraint upon the proposed excursion must have arisen from the total deficiency of money to meet the attendant expenses. So great was this deficiency, that, although the Parliament pressed for the return of the Queen Mother (the Dowager Queen of France), to that country, yet she was obliged to delay her departure, the Parliament finding that there were no funds to defray the cost of her journey. Charles directed the Queen to raise some money upon his collar of rubies, and a report of her negociation with Sir Job Harby shows that even here some difficulties arose, for even that part of the royal property had been already pledged and sent into Holland, without the King's knowledge.*

The King's attendants on his journey to Scotland were his nephew Prince Charles, the Elector Palatine; the Duke of Lennox, lately created Duke of Richmond; and the Marquis of Hamilton. They travelled with the King in his coach, and reached York about the 14th of August.

It would have been only honourable conduct, and worthy of a King who had openly professed an anxiety for the disbanding of the army, if he had passed its lines without any covert communication with the troops. Charles, however, did not consider himself bound to abstain from any course that might aid him to recover the uncontrolled exercise of supreme power, and there is little reason to doubt that he now endeavoured to

* Nicholas Correspondence, 32, 34, &c.

negociate with the army, through some of its leaders, to aid him against the Parliament. Clarendon endeavours to mystify this passage in our history, and to attribute to the Earl of Holland unworthy motives: but the truth, divested of all misrepresentation, appears in the fact, that the Earl, as a man of honour, in his capacity of General and agent for disbanding the army, felt it to be his duty to report to Parliament, through the Earl of Essex, "that he found there had been strange attempts to pervert and corrupt the army, but he doubted not he should be able to prevent any mischief." * It must be remembered, in judging of this transaction, that the information came to the Earl of Holland from two staunch royalist officers, Sir Jacob Astley and Sir John Conyers, and that the Queen immediately insisted upon the Earl's dismissal from office at Court.†

The King passed on to Edinburgh, and no enemy, however malignant, could devise a course of action more calculated to establish an indelible appearance of baseness and want of principle upon his Majesty, than that pursued by him during his stay in the northern capital. Only one object seems to have been kept in view,—the establishment of a party to sustain him in a struggle against the English Parliament; and to effect this, he pursued that most impolitic and self-delusive of all measures—the neglect of old tried friends, in order to bribe and win over those who have been uncompromising foes. This was the usual Stuart policy, ending, as it ever ends and deserves to end, in general mistrust, and an abandonment by all. Those who are bribed, cannot feel confident that they shall not in their turn

* Clarendon's History, I. 230. † Ibid. 234.

be abandoned, when no longer found of use; and the well-affected are tempted to desertion and shaken in loyalty, by observing that the richest preferment is reserved to debase and make converts of enemies.

Even whilst the King pursued this course of corruption in Scotland, the inevitable effect was apparent around him; "He had not one counsellor about him but the Duke of Lennox, and very few followers who had either affection to his person or respect for his honour."*

Yet if "affection" and "respect" could have been purchased from the Covenanters, Charles ought to have been environed with both. He had passed an Act of Oblivion justifying all their opposition, and whilst it actually excepted the Earl Traquair and some others of the King's friends, pardoned all the Covenanters, and declared the proceedings of their Assembly and "Tables" to be no less than "the effects of their duty to the King and according to the law of the land." He had even assented to an Act declaring "the Government of the Church by Archbishops and Bishops to be contrary to the Word of God," though only the year previously had seen him in arms to force them upon the Scottish people; and to the Lords of the Secret Council and to the Parliament of Scotland he granted the power of appointing magistrates and all the great officers of State.

As the King granted "whatsoever they (the Covenanters) were pleased to present to him concerning Church or State," so he does not seem to have hesitated in conniving at means the most illegal and violent for removing those out of the way whom the Covenanters

* Clarendon, I. 243.

mistrusted. Hence arose that designed outrage, known in Scottish History by the title of "The Incident." Writers favourable to Charles have endeavoured to envelope this proceeding in mystery, but the facts which are unimpeachable and sufficient proofs of its truth are, that the Earls of Montrose and Crawford, with other leaders of the Covenant, desired to have the Marquis of Hamilton and the Earls of Argyle and Lanerick "removed;" the mild term by which murder, if necessary, was described. A plan was devised for seizing them in the palace and hurrying them away on board ship, and the plan was communicated to the King. If he did not acquiesce in the design, at all events he did not communicate it even to that one of the intended victims whom he had always professed to trust, and who had been his companion from London to the Scottish capital. The plot was opportunely betrayed and the intended victims escaped. The details of the plot were published, and the King, despite the earnest entreaties of Secretary Nicholas, dared not venture upon any particulars, much less to contradict those details. Yet the three doomed nobles were all immediately afterwards elevated in rank, or otherwise promoted, but no one will venture to conclude that this was for any other reason than to assuage their just resentment.*

* The above outline may be verified by reference to five authorities, all having conflicting biasses. Clarendon, I. 236; the Earl of Lanerick in the Hardwick State Papers, II. 299; the evidence before the House of Commons, Rushworth, V. 421; Baillie's Letters, I. 392; and the Nicholas Correspondence in Evelyn's Memoirs, II. 40, &c. Charles, in a note to Sir E. Nicholas, shuffles from giving a written account, by saying "I was the less careful to send a perfect relation of this business, because I sent one of whose discretion and knowledge I was and am so confident, that I thought his discourse of the busi

As the King appears to have been at least passive when the opponents of the Covenanters were to be removed, so was he most active personally to advance and gratify these by every means within his power, for, as Clarendon concluded, "he conferred honours on persons according to the capacity and ability they had in doing him mischief."

The Earl of Loudon, "who had been principal manager of the Rebellion," was made Lord Chancellor; General Leslie, who had led on so successfully the Covenanters against the English, was raised to the Peerage, as Earl of Leven; Lord Ormond, the second in command, was made Earl of Calendar; Archibald Johnston (afterwards Lord Wariston), was at the same time "made content with knighthood, a place in the Session, and 200*l.* pension;" upon Mr. Henderson was conferred "the Deanery of the Chapel, and some four thousand marks a-year;" Sir Alexander Gibson was made Lord Clerk Register. "For the Treasury, since it could not be gotten to Argyle, it was agreed to keep it vacant till the King might be gotten down; and, in the meantime, after the English fashion, to serve it by a commission of five, two of Hamilton's friends, the Chancellor Argyle himself, and the Treasurer-depute."* The bishops

ness, as having been an eye-witness, would have satisfied more than any written relation." "An eye-witness" could not say whether the King knew of the intended violence; and no unbiassed judge will conclude otherwise than that Charles did not wish the truth to be known. If so, will any one believe that the truth was to his advantage?

* Baillie's Letters, I. 396. Sir Patrick Wemyss, who had journeyed to Edinburgh, on a mission from the Commander of the Army in Ireland, the Earl of Ormonde, saw how affairs were progressing, and wrote thus to him, in a letter, dated September 25, 1641:—"I am certain your coming to his Majesty at this time would have been most acceptable, for there is never a nobleman with him

being abolished, the lands and endowments of their sees were scrambled for by the laity without the remotest regard to any vested right which might be presumed to require their dedication to ecclesiastical purposes. This was as praiseworthy in the estimation of the Covenanters, as it was distasteful to Clarendon and his friends, who declared "that the King seemed to have made that progress into Scotland, only that he might make a perfect deed of gift of that kingdom, which he could never have done so absolutely without going thither. And so, having nothing more to do there, he began his journey towards England about the middle of November."*

We may readily believe, that as the King journeyed to Scotland for the purpose of establishing a party in his favour, he only showered those gifts of titles and domains upon individuals whom he had reason to believe would in that mode merit them. It may be, too, that some of the recipients of that bounty, as Clarendon states, had promised services which they never performed, and had given pledges which they subsequently broke. This is probable, for he who is base enough to accept a bribe, thereby assures us that

of the English or Irish, but Dillon, who is a great courtier, if he could make use of it. What will be the event of these things, God knows; for there was never King so much insulted over. It would pity any man's heart to see how he looks; for he is never at quiet amongst them; and glad he is when he sees any man that he thinks loves him; yet he is seeming merry at meat. Henderson is greater with him than ever Canterbury was. He is never from him night nor day. It had gone hard with the Marquis (Hamilton) if he had not fallen in with Argyle, who will bring him off."—*Carte's Ormonde Correspondence*, I. 4. This testimony is enough to demonstrate how his English Council shrunk from the course which Charles was pursuing. If it had been honourable, he would have invited the attendance of his English courtiers, and they would not have allowed the occasion for such a reflection, that not a single English councillor was with him.

* Clarendon, I. 244.

he is base enough to betray him by whom he has been tempted; and, therefore, Charles may have had ample grounds for his reproachful enquiry of Scotland: "I have granted you more than ever King granted yet, and what have you done for me?" They gave a practical reply a few years after by delivering him up to those who were seeking for his life!

The King left Edinburgh for England on the 18th of November, "yet he made no such speed as was expected, for he stayed at York some days, and was long ere he came to the Parliament."* His stay at York, and other contemporary events are noticed in the following letters.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MY LORD,

WE have had the election this day of a new burgess in Harry Benson's place: the faction raised by Mr. Benson carried it in number of voices from Sir William Constable, for they were thirty-three, and Sir William Constable had but thirteen. But when the election was made, and all men polled, I demanded of John Derelove, (who is substitute-bailiff this day) that he would make return for us that had elected Sir William Constable, and I alleged that the election of William Derelove was illegal, because he is deputy-steward and judge of the court, and therefore the burghers durst not give their voices for fear of him; and ours being a legal election ought to be returned, which

* Baillie's Letters, I., 396.

the said bailiff denied to do. So we staid our company together, and made an indenture and sealed it, electing Sir William Constable, which we have sent by Sir William Constable; which is as far as I can now relate. What shall be done by the sheriff I cannot write; but some friends of Sir William Constable's must take order that there may be a caveat entered to keep William Derelove out until the matter be examined, and when it shall appear that Mr. Derelove is deputy-steward and bailiff, and deputes his brother for this time, to make himself capable of election, then I hope the indenture which we have sealed for Sir William Constable will be received and he be admitted into the House.

It will appear that he is deputy-steward and bailiff in the Queen's Court, for his patent is sealed with the Queen's great seal kept by her Chancellor, and is of record here, and needs no other proof. And he is a man of no estate; we know not here of any thing he hath, either lands or goods, save only his office; and it is against reason that he that hath nothing of his own to give should have power to give away other men's estates or any part of them, which you know the Parliament hath, of which he would be a member.* My time gives me no more scope; I must here conclude, and always remain,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

12th November, 1641.

Your lordship and I do divide the blame and malice.

* From the Journals of the House of Commons, under the date of March 19, 1642, we learn that Mr. William Derelove's election was declared void, and Sir William Constable as duly elected.

of putting out Henry Benson and opposing William Derelove's coming in, and I am sore threatened for it.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

UPON Friday last I gave your lordship a confused relation of our more confused election at Knaresborough, and of my public protestation against the illegal choice made by the greater part of the burgesses who elected William Derelove their steward and bailiff. Since which time I have heard nothing from Sir William Constable nor any other, what success he had with the sheriff, nor how he hath returned the indenture, which we sealed and delivered to him, testifying our election of him. I then wished him to return it to the Parliament, in case the sheriff refused to return it with the writ; and I doubt not but the other election of William Derelove being examined will appear illegal and contrary to the order of the House; and so Sir William Constable shall be admitted, and the other shut out.

The business was ill carried from the beginning, else we should have had all the voices of the town for Sir William Constable. But Sir Henry Slingsby sent word on Saturday to Henry Benson that he was put out of the House, and on Sunday writ to him a letter to the same purpose; and thereupon Henry Benson, and his sons, the Derelove's, spoke to all the boroughmen on Sunday morning for their voices, which they (being

then ignorant of the cause) did promise to William Derelove; and so Sir Henry Slingsby by that unadvised intelligence deprived both himself and all men else of power to help Sir William Constable; for of the thirteen voices that elected Sir William Constable there were but two of Sir Henry's tenants, whereas he expected above thirty voices of his dependants.*

Now that which rests to be done, if it be not already done, is to make it apparent that Derelove's election is illegal, and not to be allowed for these reasons, viz., first, William Derelove is both bailiff and steward of the borough, and hath jurisdiction of judicature over the townsmen, so that none of them dare give their voice freely against him, as many have declared, because he vexeth and oppresseth his opposites. The patent granted by the Queen making him bailiff and steward, you will find in the Queen's Court upon record; for it is under her great seal kept by her Chancellor. The next exception is, that if Henry Benson were unworthy, then of necessary consequence William Derelove must be so also, he being the same man, only passing under another name, and dressed in other clothes, for he is his son, and hath his daily maintenance and

* Sir Henry Slingsby never lost an opportunity to serve the Royalist cause, to which he was devoted in life, and for which he died. Charles the First showed him marked favour; and the bed in which that monarch slept at Sir Henry's seat, the Red House, near Marston Moor, is still preserved. He raised six hundred men, horse and foot, at his own expense, and led them in the chief actions of the Civil War. At its close his estates were sequestrated, and himself imprisoned at Hull; but even there he conspired to aid the restoration of his Royal master; and was beheaded for this under the Protectorate, in 1658, together with Dr. John Hewit. He sat as member for Knaresborough in the Long Parliament, until he was voted disabled, for refusing to leave the King at Oxford, and attend in his place.

dependance on him alone, and is guided by him in all his actions. And if Henry Benson were thought to give intelligence to the recusants, then this man will do the same, and grant protections too; for besides the families of Plumpton, Trapps, and Tankard of Branton, with whom he is observed to keep strict intelligence, I hear he was lately with the Lady Emely, the widow, who is held an active Papist, and of a potent family. And for his estate, we know he is not worth sixpence in the world, but is maintained by his father-in-law's arts, and hath neither lands nor goods in possession nor expectation of descent; and it is not consonant to reason, that he who hath nothing at all of his own to give, should be enabled to give away other men's estates. If he had been the heir of any gentleman's house, or had been a man of any judgment or understanding, we should not have distasted him nor grudged him the honour to sit in that most honourable assembly; but we know him extremely poor and needy, and a man of mean parts and shallow capacity, and besides, he is bred in the base ways of his father-in-law, who hath already been censured by the House. The last exception against the election of Derelove is, that he being bailiff and steward of the borough, did for that day substitute his brother, John Derelove, to be bailiff; for this only end, that he himself might seem capable of the place of burgess; and I conceive he hath not power to substitute a bailiff, and if one, yet not so many substitutes, for his other brother Thomas is also a substituted bailiff under him, and so is one Thomas Wakefield; and if he have power to substitute so many, yet John Derelove, who took upon him that day to execute the place

and return the writ, is not capable of office, being but twenty years old in May last.

I doubt not but these exceptions, rightly managed, will stop his entry into the house, and make way for Sir William Constable.

The next matter to be taken into consideration, is, how to ease the town of their insufferable bondage under Benson, the Dereloves, and William Conyers; for they are all officers by deputation, or take upon them so to be; for I hear they do all of them take upon them ordinarily to administer oaths, which I think runs them into præmunire; but what authority they have, your lordship will best understand upon view of their grant, of which a copy must be taken out. Many other abuses they commit, to the wrong both of the Queen their mistress and the subjects, in levying and receiving monies which they never pay nor account for: the guilt of which may haply have caused them to send Thomas Derelove up to London, either to surrender their old grant, and take it again in another name, so to avoid forfeiture: he went to London on Monday was se'nnight. But a caveat must be entered that they transfer not the place from one to another, until it be examined whether their miscarriage have not already forfeited their interest; and then the next thing to be done is, to think upon an able and honest man to exercise the place, for whom a new grant must be procured, upon their avoidance; which will be effected by a commission to examine their actions; and, if it be necessary to have some particulars of their abuses, whereon to ground the commission, I shall collect and send them up, upon your lordship's signification.

They have two arguments to justify their election of Derelove. First: That Sir Henry Slingsby, when he was bailiff and steward, was elected burgess. Second: That recorders are ordinarily elected. I say to the first, that, if a man steal a horse and escape because no man questions him, it shall not justify another man that steals and is arraigned for it. And for that of the recorder, he is only chosen by the mayor to be an assistant, as I conceive; and hath no jurisdiction of judicature, as the bailiff and steward have.*

The exceptions they take at Sir William Constable, are, that after the election made and the indenture sealed, he caused us who gave our voices with him, to dine with him at his inn; and they say that he spoke against the Common Prayer-book; and their saucy attorney, Nixon, who hath yet paid no poll-money, gives him the phrase of "Puritan" in most despiteful manner and language. As I hear these things I am bold to recommend to your lordship; wherein I hope your lordship will show your care of the public affairs of your country which are concerned in them. Other matter I forbear to trouble you withal at this time; yet I must tell you that the King comes to York on Saturday next, and that Sir Philip Stapleton is already gone southwards from hence,* both which I know your lordship hath heard before.

* Sir Philip Stapleton was member for Boroughbridge at this time and continued so until the year 1647, when a charge was brought against him by Sir Thomas Fairfax, on which he retired into France, and died there the same year. He had married a daughter of Sir John Hotham. Clarendon describes Sir Philip as "a proper man, of a fair extraction; but being a branch of a younger family, inherited but a moderate estate, about five hundred pounds a-year, in Yorkshire. According to the custom of that county, he had spent much time in

I much desire to hear what becomes of the insurrection in Ireland by the Papists, and what is resolved by the Parliament touching it. And this I have the more desire to understand perfectly, because my wife's friends are so much concerned in it. And something must be done touching the recusant party in England, who may be feared to give secret encouragement, if not help, to the recusants of Ireland.

When I had written thus far, I was told that Harry Benson begins now to abate of his confidence, that William Derelove's election will be allowed by the Parliament. But he saith that if it be not, yet Sir William Constable shall not have it; but that he will put it upon a courtier, (meaning the place of burgess), because I shall not have my ends, whom he terms his enemy.

I will here conclude your lordship's further trouble at this time, and wishing much increase of health and honour to your lordship,

I remain,

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

19*th of November*, 1641.

those delights which horses and dogs administer. Being returned to serve in Parliament, he concurred with his neighbours Hotham and Cholmondeley, being much younger than they, and governed by them in the prosecution of the Earl of Strafford; and so was easily received into the familiarity of that whole party. In a short time he appeared a man of vigour in body and mind, and to be rather without good breeding than incapable of it; and so he quickly outgrew his friends and countrymen in the confidence of those who governed." By "those who governed," is intended the Parliamentary leaders; and they deputed him, with three other members of the Commons, and two members of the House of Peers, to be a committee, attending and watching the proceedings of the King in Scotland. The other members of the committee who were appointed were, Nathaniel Fiennes, Sir William Armyn, John Hampden, Edward Lord Howard

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

UPON Friday last I received your lordship's letters, which have in some measure settled my confidence, that our factious election at Knaresborough will be rejected; and, if Sir William Constable be not admitted upon this election made of him, yet at least we shall have a new day for it; but truly I think, if any new writ come before these great officers (stewards and bailiffs) be removed, we shall have much opposition to any fair election. The only help must be to give us timely warning, that we may prepare our friends and wellwishers, that they may not be surprised or forestalled, as they were at the last election, by Henry Benson and his sons.

The just exceptions against their holding the office will be very many; and I think our exception is, that, at the last election, and since that day, the court was held by John Derelove, who is not yet twenty-one years of age, and therefore, I think, not capable of judicature; and yet I understand that, within this week, and since Derelove was elected burgess, there have been arrests made by warrants issued in the name of William Derelove, which shows that he is still both steward and bailiff.

of Esrick, and the Earl of Bedford; but the nobleman last named did not accompany them into Scotland. They reported faithfully to the House the events as they arose, and only came away just in advance of the King, as noticed in the above letter.—*Clarendon's History*, I. 235; *Rushworth*, V. 376.

Upon Monday last, William Derelove set forwards to London, and it was said his father Benson also; but I perceive he is still at home, and his noted friends do still resort to him, and I am privately told that he hath taken a chamber with Mrs. Duncombe, in Crake Castle, and intends to lurk there till the storms be past, for she is his special friend.

Upon Tuesday last, Thomas Derelove came home from London. What advantage he hath made of his employment there is kept secret, yet the townsmen of Knaresborough are already possessed with an opinion that all goes well on Henry Benson's side: such skill is on their party to delude, and such sottishness on the other side to credit them.

I suppose the King is come to London before this time. On Monday last he left York: he knighted Mr. Strickland, Mr. Barwicke, Mr. Thomas Nocliff, the Mayor of York, and Sir John Goodricke, who was a baronet before. His Majesty promised to favour the petition for a new court at York, and to take off 4000 of our Trained Bands. Both those graces may as well prove obnoxious as profitable in my conceit. First, for the court, if it admit appeal, other than for injustice, and that to the Parliament only, it will entangle the country as it did heretofore in double troubles. And for the Trained Bands, I confess our county stands double charged, in proportion with all other counties of England, which is a most unequal burthen, and this they have endured ever since 1588; but for my part, I think it would conduce more to the safety of the kingdom to double the Trained Bands in all other counties, and leave ours as it stands now, unaltered. For I hold it more safe

for the kingdom to be defended by Trained Bands (whose soldiers have all of them interest of their own to encourage them), than by pressed or hired men who are always more at the devotion of the Sovereign or generals, and more easily diverted from effecting those ends for which they are pretended to be raised, which is the common safety, as was of late very easily to be discerned. But I lose myself and tire your lordship with these extravagancies, which I hope your lordship will pardon, and thereby engage me so much the more to be,

Your lordship's most faithfully
Devoted servant,
THOMAS STOCKDALE.

26th November, 1641.

Before proceeding to the consideration of the events immediately consequent upon the King's return, and which precipitated England into the distress and horrors inseparable from Civil War, we will consider one or two transactions which occurred during the period over which we are passing, and with respect to which, the Fairfax MSS. impart fuller information than has hitherto been made public.

One of these, the establishment of a northern university, has been incidentally mentioned, and now that one is established at Durham, it is not without interest to learn that two centuries ago York and Manchester competed to obtain a similar benefit and distinction; and to know now upon what grounds they pleaded for such a foundation.

COPY OF A LETTER TO FERDINANDO, LORD FAIRFAX, SENT MARCH 20TH, 1640. (1641, N. S.)

MAY IT PLEASE YOUR LORDSHIP,

I HAVE here inclosed some propositions lately made at Manchester, in a public meeting there, concerning an university; which, if you please to consider what good it may bring to our whole North, and other parts; what glory to the Parliament to be the founder of that, and what honour to your lordship to be chief agent in it; posterity may bless you, and the work itself will speak that the like hath not been in England (if Cambridge be the last), not of two thousand years.

Your lordship's ever faithful and loving
brother and servant,
HENRY FAIRFAX.

The petition inclosed to Lord Fairfax with the foregoing letter, was this:—

TO THE RIGHT HONOURABLE THE HIGH COURT OF PARLIAMENT, NOW ASSEMBLED, THE HUMBLE PETITION OF THE NOBILITY, GENTRY, CLERGY, FREEHOLDERS, AND OTHER INHABITANTS OF THE NORTHERN PARTS OF ENGLAND,

HUMBLY SHOWETH,

THAT whereas the want of an university in the northern parts of this kingdom, both in this and former ages, hath been apprehended a great prejudice to the kingdom in general, but a greater misery, and

unhappiness to these countries in particular, many ripe and hopeful wits being utterly lost for want of education, some being unable, others unwilling, to commit their children of tender and unsettled age so far from their own eyes, to the sole care and tuition of strangers: We therefore humbly crave leave to offer unto your pious care and wise consideration the necessity of a third university, and the convenience of such a foundation in the town of Manchester, for the future advancement of piety and good learning amongst us.

First.—In all humility we submit unto your grave judgments the consideration of the great distance of both universities from us; many parts of the countries wherein the petitioners are inhabitants lying above two hundred miles from Oxford or Cambridge, few under one hundred, insomuch that divers gentlemen are induced to send their sons to foreign universities, or else to allow them only country breeding.

Secondly.—The great charges of the other universities, necessarily occasioned by the multitude of scholars; the dearth of provisions, the want of fuel and scarcity of lodgings, forcing many men of indifferent and competent estates, able enough to maintain their children in another convenient place of the kingdom, either to debar them of university breeding, to make them servitors, or, at best, to allow them only two or three years' maintenance, and then to provide them of a country cure, or which is worse, without any degrees, without university learning, to procure them holy orders, and so obtrude them upon the Church, which (we speak from sad experience) hath occasioned many ignorant and unlearned ministers amongst us.

Thirdly.—The great hopes we have that from hence might issue able and learned men, laborious pastors and teachers, to convince and discourage Papists, and other superstitious people, who, for want of able scholars, daily take growth, and increase to the great hindrance of piety and true religion.

Fourthly.—The charitable intentions of these countries in general, more especially of some private gentlemen therein, who intend to be liberal benefactors for the provision and bringing up of the poor scholars of these parts, which now are either lost or burdensome to the other universities. This, therefore, we apprehend, might be a great ease, and no dishonour to them; a blessing to us, and a benefit to the commonwealth, which otherwise will lose the gratuities of these gentlemen—they solely intending to bestow their munificence in this pious work, and no other.

Fifthly.—The honour that might hence arise to these parts of the kingdom, which, by reason of their distance from the Court and universities, have suffered a double eclipse of honour and learning.

Sixthly.—We crave leave to certify that we apprehend Manchester to be the fittest place for such a foundation, it being almost the centre of these northern parts, a town of great antiquity, formerly both a city and a sanctuary, and now of great fame and ability, by the happy traffic of its inhabitants, for its situation, provision of food, fuel, and buildings, as happy as any town in the northern parts of the kingdom. To all this we add the convenience of the college there already built, both large and ancient, and now, as we understand, intended to this purpose by the piety and munificence of

the Right Honourable James Lord Strange, a noble encourager of this great work.

Upon these and what other grounds your greater wisdoms and judgments may dictate unto you, we humbly beseech you to take into consideration the necessity of this great and pious business.

Manchester encountered an opponent in the city of York, the superior claims of which were sought to be established in the two petitions following :—

TO THE RIGHT HONOURABLE THE HIGH COURT OF PARLIAMENT, NOW ASSEMBLED.

The Humble Petition of the Nobility, Gentry, Clergy, Freeholders, and other Inhabitants of York,

HUMBLY SHOWETH,

THAT your Petitioners are bold to represent the sense they have of the want of a university in these parts, which doth extend as well to the present prejudice, as also the future disabling of a great part of the kingdom in the knowledge of Arts, and learned endowments; but hath a more powerful influence upon these Northern Counties next adjacent, where many choice wits have been made abortive by some clouds of ignorance, for want of that so complete education, which so great distance, as also the dearness of the southern academy, hath debarred many parents to bestow upon their children; some being unable to defray so great a charge, others altogether unwilling to confer the sole care upon such as are so absolute and remote

strangers to their acquaintance. And therefore your Petitioners humbly desire to offer unto your more learned judgments, the necessity of another university, and the many subsequent conveniences for such a foundation in the City of York.

First.—Because many of your Petitioners' habitations are one hundred miles, and some two hundred, from Oxford or Cambridge, by reason whereof many gentlemen send their sons unto the Scotch universities, or only unto country schools, whereas, if there were one settled so conveniently as at York, it might in probability invite many out of Scotland unto it.

Secondly.—Because the great confluence of students unto Oxford and Cambridge doth so exceedingly advance the prices of all manner of provisions which are useful for the life of man, that not many men (unless of good ability and considerable estates) are able to maintain their sons with education there.

Thirdly.—It is much observed that Popery hath increased far more in these parts than in the south, and that one great concurring cause is supposed to be the want of able and industrious ministers, and men of eminency for piety and parts, who being placed amongst us, might not only inform the younger, but give such instructions as might (by God's blessing upon their endeavours) convince the most superstitious, and so consequently render these places far more happy to the future than they have been in former ages.

Fourthly.—That the whole kingdom, as well as these parts, might thereby receive some honour by the addition of this third university; Scotland having long gloried in that happiness as to enjoy the literature

of four; viz. Edinburgh, Glasgow, St. Andrew's, and Aberdeen.

Fifthly.—That we instance some few, rather than seek to enumerate all the conveniences which the City of York doth commodiously at this day enjoy as proper for accoutring a university there, we do humbly offer to your grave judgments:—that it is very near the centre of these northern parts; being a very ancient and famous city, supported by the strong pillars of commerce and trade from many foreign kingdoms, as also neighbouring counties, by means of the navigable River Ouse, and no place cheaper furnished with food, raiment, or fuel for fire of all sorts, as sea-coal, pit-coal, wood, and turf; having in it a college already well endowed (the Bedron) not yet impropriate, with a large hall for the readers, and good convenient lodgings for the students; also divers other fair houses, of late the dean and prebends', which, though now in lease, may in time expire, and remain unto some pious uses: also having another college, founded by St. William, in King Stephen's time, which though now in another fee, is thought may be redeemed by worthy benefactors.

And lastly, there is the benefit of a library, sometime the most famous in Europe, but being burnt about that time the university of Paris was founded, it may now again be made to flourish by the help of charitable persons.

Wherefore your Petitioners humbly desire you will vouchsafe for these, and what other more weighty reasons your learned wisdoms shall adjudge more fit, to take your Petitioners' suit into your serious consideration, and which we hope the King's Majesty,

by your mediation, may with willingness approve. The happy compliance wherein, we shall pray the God of Heaven so to bless, that it may be a work most acceptable to Him, profitable to His Church, and pleasing to all good men in the advancement of piety, truth, and righteousness.

TO THE RIGHT HONOURABLE THE LORDS AND COMMONS NOW ASSEMBLED IN PARLIAMENT.

The Humble Petition of the Inhabitants of the County and City of York, and of the Northern Parts of the Kingdom of England,

SHOWETH

THE earnest and humble desires of your said Petitioners, that by the justice, wisdom, and favour of this high and Honourable Court, there may be liberty granted, and some means allowed and appointed for laying a foundation of a university, college, or colleges in the city of York, for the education of scholars in arts, tongues, and all other learning that may render them fit for the discharge of the ministerial function in the Church of God, to His glory and the honour and advantage of these and other parts of the kingdom.

In which desire, that your Petitioners may not seem rash or unreasonable, they offer these ensuing considerations:—

First.—That howsoever the kingdom enjoys the benefit and blessing of two most famous universities, which, as they are so, we still hope they shall continue the glory of Europe; yet we humbly conceive that they are not

commensurate to the largeness and necessity of the kingdom, which appears by the deplorable want of a learned and faithful ministry in very many congregations, which, for want of scholars or choice of scholars, are betrayed to the ignorance of illiterate men, through whom that sad proverb is fulfilled upon us :—"The blind lead the blind, and both fall into the ditch."

Secondly.—As we the inhabitants of the northern parts of the kingdom find the share in this common want and calamity to be very great, insomuch that we have been looked upon as rude and almost barbarous people in respect of those parts, which, by reason of their vicinity to the universities, have more fully partaken of their light and influence, so we cannot but be importunate in this request ; in which, if we may prevail, we hope it will be a special means of washing from us the stain of rudeness and incivility, and of rendering us (to the honour of God and this kingdom) not much inferior to others in religion and conversation.

Thirdly.—We humbly declare, that many of us who would most gladly offer up our children to the service of the Church of God, in the work of the ministry, and should hope to accomplish our desires, if a cheaper and more convenient way of education in point of distance were allowed us, cannot fulfill our wishes in that behalf, in regard of the distance and dearness of the southern universities, whose charge we are by continual impoverishment rendered daily more unable to bear.

Fourthly.—We cannot but apprehend it as very necessary not only to the good of these parts, but to the peace and happiness of the whole kingdom, that all possible care be had of reforming the northern parts now abounding

with Popery, superstition, and profaneness,—the fruits of ignorance,—that they may not remain a seminary or nursery of men fit to be instruments of any irreligious and unreasonable design for the overthrow of religion and liberty; which reformation cannot be expected without a learned and painful ministry, which we almost despair of being supplied with from the south, whither we send many scholars, but find *vestigia pauca retrorsum*,* and those for the most part such as others have refused.

Fifthly.—We humbly represent York as the fittest place for such a work in regard of its healthful situation, cheapness of victual and fuel, which howsoever by the late and present pressures upon the country now grown dearer, we hope shall recover the former rate and plenty if God shall vouchsafe us the blessing of peace; some good degree of civility, the convenient distance of it from the other universities and the borders of the kingdom, the advantage of a library which is there already, and convenient buildings for such an use.

Upon these considerations, your Petitioners humbly desire it for the foundation of so good and necessary a work (though the revenues of the archbishopric, dean, dean and chapters, be disposed of for other public uses,) this high and Honourable Court would be pleased to allow, and appoint the place which is commonly called the Bedron, now a college of vicars-choral and singing-men, with the maintenance belonging to the Corporation, as also, what other revenues they, in your favour and wisdom, shall think most fit. And we doubt not but by the blessing of God, the diligence and bounty

* Few ever retrace their steps.

of men well affected to religion and learning, this work may be brought to such perfection, as may tend very much to the honour of God, the happiness and advantage, not only of these northern parts, but of the whole kingdom.*

* In another petition, with similar clauses, is added, "There is a printer already there" (at York).

CHAPTER VII.

The King's efforts to establish a Scottish Party—Its consequences—Jealousies against the Roman Catholics—Letters from Mr. Stockdale—Proposals for exterminating the Roman Catholics—Forfeiture of their estates—Number of Roman Catholics in Claro—Knaresborough Election—Pardon of Irish recusants—The Declaration of the Parliament—Musterings in the Counties—King discharges the Parliament's Guard—Review of Poll Tax—Lieutenancy of the Tower—Levy of Troops for Ireland—Plot suspected—Sir William Constable's ill health—Jealousy between the King and Parliament—Yorkshire Billet-money—Proposed Narrative of Irish Massacre.

THE efforts of the King to establish a countervailing interest in Scotland could not be concealed from the English Parliament, under the pretence that, by yielding to the Presbyteries, he was complying with the Parliament's wishes. His intrigues and purposes were all revealed to the Parliament Committee, and by them communicated to the House. Those efforts, embracing the abandonment of his friends, the promotion of his opponents, and the abolition of Episcopacy, had the unavoidable consequence in England of disheartening his supporters, and of encouraging those who opposed his despotism, whilst, at the same time, it more than ever aroused their distrust. As Charles did not scruple to pander to the Puritans for aid, the Parliament justly concluded that he would have as little repugnance to enlist in a similar manner the Papists in his cause.

The House of Commons knew full well the correspondence maintained by the Queen with France, in which she sought for aid from that, her native land. The correspondence of her confessor, Father Phillips, urging the same claim, had been intercepted. Rosetti, the Pope's nuncio, had been concealed in London, and clung to his mission until it was known that warrants were issued for his apprehension.* Lord Crawford, a more than suspected Papist, had been at the bottom of the plot for seizing Hamilton and Argyle. The Irish massacre of the English Protestants broke out during the King's absence in Scotland, and the report was not wanting that these movements were all in unison. Just at this time also, the King, contrary to the directions given whilst he was with the Parliament in London, ordered the disbanding of the Berwick garrison not to be proceeded with. The consequent jealousies, and some of the remedies suggested, are noticed in the following letters :—

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

I HAVE heretofore made bold to impart to you my conceptions; that the conditions which by the statutes are given to the recusant party, have neither wrought that good effect upon them in point of reformation, as was expected, nor (as they are used) do they in any way conduce to the securing of the kingdom against their machinations and attempts to introduce alteration

* Rushworth, V. 309, &c.

in the Church and political government: and, therefore, I think it worthy of consideration how the Parliament may settle some new course to be held by that party, which may in probability produce better effects in reforming their religion; and, howsoever, in securing the Church and commonwealth against their power to attempt innovation in either.

I have heard some propound to have them all put to the sword, which, methinks, is a counsel better becoming a Turk than a Christian. Others propound their banishment; which advice, methinks, tastes not of policy. For it is well known to the world, what ill effects the like counsel hath wrought to the Crown and State of Spain, that practised the like course upon the race of the Moors.

Our own laws, with some little alteration (which time hath discovered is more than necessary), may happily work that much desired conclusion of their reformation, or at least, in time wear them out.

It appears, that giving the two-third parts of each recusant's estate to the King, doth not much enrich the Crown, and yet it unites the recusant party in too strict bonds of dependency upon the sovereignty, and so co-operates with it to advance the regal power beyond the right bounds, in proportion with the subjects' legal liberties.

And therefore a new Act of Parliament should be passed, transferring those two-third parts of recusant estates from the Crown, to be after this manner managed:—First, an exact survey-inquisition to be taken, by select commissioners, of all recusant estates in lands or monies, and two-third parts of them seized and absolutely taken away out of their power and

managing, and the true improved rents and profits thereof, as they are or may be let by the owners, to be yearly answered and paid by the tenants and occupiers thereof, to the use of the commonwealth. To this end it will be requisite to have three public banks or receipts to be erected; one in the south, another in the north, and another in the west; and the officers attending these banks or receipts to be appointed by the Parliament, from time to time, and to make their accounts to the Parliament, and to such others as they shall depute for taking of those accounts. And for the monies arising out of this two-thirds of their estates, which will every year be a very vast revenue, I conceive it would be a good policy that the officers of the banks should let them out at interest upon good securities; and all the monies coming in for interest, to be employed for the use of the commonwealth and safety of the kingdom, either in maintaining shipping, providing armies and munitions, and making fortifications and magazines for arms. And the manner of employing these interest-monies to continue from time to time, as the Parliament shall think fit. Every year this bank will increase; and so the interest will increase, and be able to defray much of the public expenses of the kingdom, for the common safety.

Now for the principal monies thus received for rents and put forth to interest, there must be exact accounts and records kept of them as they come in every year; and the names and pedigrees of the families to whom they belong must be exactly registered. And in the Act of Parliament, it will be good to insert a clause, that when any of that family (to whom any part of

those monies and revenues ought to have been due, if they had been Protestants) shall conform themselves to our religion; if it be the heir, he shall have the two-third parts of his lands or other patrimony restored to him. And if it be any of the younger brothers or sisters, that at any time shall conform themselves, they shall have a certain proportionable share of the rents delivered to them out of the public bank, to make a competent portion for them, according to the proportion of rents received and paid into the bank out of the lands of their house or family; and the remainder of the rents of that family to go forward at interest for the use of the commonwealth, until the rest of the younger children shall conform themselves.

And there must be clauses and provisoes in the Act of Parliament, that if any heir of the family, or any younger brother or sister shall pretend conformity in religion as aforesaid, and by that means come to get the two-third parts of the land or other patrimony, or any portion of the rents out of the bank, and shall afterward relapse into Popery; that then the whole estate, patrimony or portion, of him or her so relapsing, shall escheat to the use of the commonwealth for ever, to be employed in the uses aforementioned.

And if none of the family shall, in three descents, conform themselves in religion, then the whole sum of rents received, and the two-third parts of the patrimony seized, shall escheat to the use of the commonwealth for ever, to be employed in the uses aforementioned.

Many other considerations are to be had for constraining an integrity in those that manage this work, and keep the banks and receipts of money. But this

confused relation will give your lordship a model of the frame; and if your lordship find the House inclining to entertain it, I shall then take more pains to polish it fit for their view; my affections being sincerely bent to serve the Church and State in what I am able: and for the present, the late conspiracy and insurrection in Ireland must give us warning to prevent the like in this land. The storehouses of munitions must be guarded with some extraordinary care; and every county should have some person deputed in nature of a Lieutenant General, to whom all persons should resort for direction, in case any commotion should happen; and some order of Parliament or proclamation to be issued, restraining the Popish party from conversing together, or travelling further than the next market-town. And where any person of that profession is conceived to be of dangerous intelligence, or able to contrive, or act a mischief, his person should be restrained; for although I think they of themselves are not able to do much hurt, yet I fear there are other humours in the body politic of this state, that are made fluid, and will move with them when there shall be opportunity. In this wapentake where I live, there are 532 recusants of one sort or other that pay poll-money to the subsidies; and it is not amiss to examine all the subsidies' rolls through the kingdom returned into the Exchequer, that a calculation might be made of their number and power.

Of other matters I shall write to-morrow, if I get leisure, for it is like to be a troublesome day; the new burgess is to be elected at Knaresborough, for which William Derelove stands, and intends by faction to carry it; of which I shall give your lordship account

hereafter.* In the meantime I wish much increase of happiness to your lordship, and remain,

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

11th November, 1641.

TO THE RIGHT HONOURABLE, MY VERY GOOD LORD, THE LORD FAIRFAX, AT WESTMINSTER.

MOST NOBLE LORD,

UPON Wednesday last, Sir John Goodrick and I met at Knaresborough, to take Mr. Hardcastle the head-constable's account, who tendered to us only a note of the sum total of certain estreats, made by the Justices of Peace; but neither charging himself with any particular receipt, nor discharging himself; otherwise than in general words, saying he had paid all he had received and more, and that the country was indebted to him. We were not provided to charge him with anything, excepting he would charge himself; and therefore we were forced to dismiss him at this time, until the quarter sessions; and seeing he will not make up his own charge, I know no other way, but to issue warrants to all constables to bring in accounts, what they have paid to him, at any time, since his entry, and then examine how he acquits himself of it.

If your lordship know either any other more certain or speedy course, or any particulars wherewith he is chargeable, I desire to be directed by your lordship,

* The result of this election of a burgess in the place of Mr. Henry Benson, expelled for selling Protections to persons who were not his domestic servants, has been noticed already. See p. 260.

and we shall proceed accordingly. I suppose he ought to account for all Ship-money which he assessed, and to give account why he did not observe the Justices' rates in taxing thereof; and for money received of the county for the King's carriage, for setting forth soldiers, for pay of soldiers, provisions of arms and magazines, and for other extraordinaries, as well as the Justice' and ordinary assessments. It is said, that William Wyncop, of Knaresborough, who was last collector of the Ship-money, hath a good sum in his hands of that money, which, methinks, it is reason he should account for; and let it be employed for some general good; or else restored to the parties. Mr. Bateson, the schoolmaster of Knaresborough, whom Henry Benson and his faction have brought in and placed there, contrary to the Charter and rules of foundation, ought to be removed and a more conformable man placed there; for he teacheth many recusants' children, whom he suffers to be absent from church, contrary to the canon; and he speaks against reducing the communion-table to stand east and west, and sundry other matters that render him justly suspected not to be sound in his religion. Sir Francis Trapps and others of the feoffees for the school are recusants, and six of the feoffees are dead and their places void, and no meeting to elect others in their stead; and here is William Roundell and Peter his son, that will not meet unless Sir Henry Slingsby write to them. If they would all meet and elect six new feoffees that are conformable, the schoolmaster might be displaced, and a fitter man put in.

I perceive there is some expectation that the King will pardon the recusant rebels of Ireland, which in

my weak judgment is rather an act of clemency than providence: for though some say, that sovereignty and reformation of religion are inconsistent together, yet I am confident that advantage might now be taken upon this revolt, both to make a more perfect settlement of religion, and also to advance the sovereignty in matter of revenue; and likewise in a good measure to recompense the expense of the English nation, whose subsidies are like to defray the charge of the wars, and therefore deserve a share in the conquest. But in this point the English-Irish, now about London, will not advise; no, nor the State of Ireland, I fear, least it may concern themselves. Howsoever, if it proceed to a war, the sending of money into Ireland must be avoided; for by it the rebels (being master of the field) shall be maintained, and maintain themselves with arms that foreigners shall furnish. Provender, apparel, victuals, and munitions must be provided, and the King's army furnished with them from his storehouses and magazines; and no silver coin sent into that kingdom, but some base coin of copper must be made and sent over, which for a time must be current, and decried again upon the settlement of peace.*

The Declaration of the Parliament comes forth very seasonably, because the Anti-parliamentarian faction begin to extenuate the fruits of their long session. I hope I shall have a copy of it from some hand, for I much desire to see it. And I think it were necessary

* Mr. Stockdale's idea of treating the recusant rebels in this dishonest mode, was in unison with the intense bigotry then pervading all sects. To differ from another in religion was to announce, probably, that each considered the other without the pale of the ordinary humanities of life.

to print a bill of the names of all those who voted for the printing and publishing of the Remonstrance or Declaration, and also of those who voted against the publishing of it, that the country may take notice of their friends, and know how to elect better patriots hereafter.

I hear that strict watches and some musters and trainings are kept in some counties. If it be for any doubt of the recusant party, I think we have as much need of caution in that point as any county in England; yet no direction is come hither, that I know. If your lordship conceive it requisite, I hope you will cause some seasonable directions to be given herein.

Henry Benson keeps close in his own house, and the recusants daily resort to him; and I am persuaded he will profess himself of their religion, and hath some hopes of employment that way, from the Queen's side. I hear for certain that Sir Henry Ludlow is his great friend still.

There should be an honest able man speedily placed in the place of steward and bailiff at Knaresborough; and seeing Roger Dodsworth is not in the way, I hope your lordship will name a man worthy of the place, or put in some to exercise it for the present, until a more fit choice be thought upon. Here is a rumour at Knaresborough of a new election, and Henry Benson hath sent about the town; but I hope we shall first have a new bailiff.

I fear I have wearied your lordship with reading; now I will conclude, and am

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

3rd December, 1641.

Your lordship's letters even now received, make me doubt that William Derelove shall be admitted to sit in the House before the election be examined, which seems to relish either of some extraordinary favour, or else the very active labouring of friends. For though some bailiffs and stewards may peradventure have been admitted sometimes; yet I think it was only in place where they had no competitors, and so no exception taken at them. And there are other considerable exceptions against Derelove, all which are more aptly examined before his admission than after. Sir William Constable tells me this day, that his patent of office contains a farm of the profits of the place at 20*l.* rent, which must of necessity occasion great oppression, seeing he only reaps the benefit; and being judge, it will be conceived he will decree whatsoever may advantage himself. I wish I had sight of the copy of his patent, that I might enquire of such abuses, as the form of his patent hath encouraged him to commit, in hope to escape undescried.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, BARON OF CAMERON, IN WESTMINSTER.

MOST NOBLE LORD,

THE last week's report has filled this country with astonishment, and fears of some disaffection seeming to arise between the King and Parliament, his Majesty having been so long time absent in Scotland, and now, at his return, not to vouchsafe his presence to countenance that most honourable assembly,

but declare rather some misapprehension of them, by commanding the discharge of their guard. We hope and pray for a better unity, and we think that both the affairs of Church, the Crown and commonwealth, do require it. And truly, if speedy and unanimous resolutions be not taken to limit the recusant party, and restrain the increase of sectaries at home, and to suppress the growing rebellion in Ireland, it is much to be feared that our happy peace will soon change into a chaos of miseries that threaten to fall upon this empire, which God avert.

Our town of Knaresborough is filled with report that their burgess, Derelove, is to be admitted, as soon as a Lord Steward is appointed, who may give him the oath, which is the only bar that keeps him out, for on Monday last came some letters from him by Mr. Norton, as I hear, wherein Derelove writes to Harry Benson that Mr. Alderman Hoyle, of York, assures him of his admittance when once his oath is taken, notwithstanding the objections against him, which are (as he writes) only his being steward and bailiff of the town, and that he is a man of no estate: and he saith that Alderman Hoyle tells him that his father is not disabled to sit in any future Parliament, but that being elected, he is capable of it. The letter hath raised their spirits; which hitherto have drooped in suspense of his admittance; and, truly, I cannot yet think that he, Derelove, is capable of being burgess, considering the orders in Parliament in former like cases. But if it be a fate that especially attends this borough, to send up men to serve for it who must live upon the employment, then we must all submit to fate. These matters

are the object of this week's progress with us, which shall conclude these lines. I wish to your lordship long continuance of health, and increase of honour, and am,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

10*th December*, 1641.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

SINCE my last, wherein I desired some resolution touching the review of the poll, I have seen the order made in Parliament, dated 9th September, 1641, and a letter from the Speaker to Sir Thomas Gower, our sheriff, which have resolved me in those points for which I troubled your lordship; and I think upon Monday next we shall meet at Wetherby Sessions, and then resolve of a convenient day for assembling this wapentake. And I hope every man will show himself willing to rectify the gross contrivances of the assessors, where they shall be discovered, that the pressing occasions of the State, which concerns us all alike, may be supplied with equal contributions. And truly, if the well-affected subjects in the country do but view and consider the indefatigable endeavours of the gentlemen employed and entrusted for them in that House, and the great benefits that we and our posterity are like to enjoy by them, it cannot choose but induce us all to comply in a sincere pursuit of those services which shall be enjoined us by that honourable assembly. But I know that even

there, you are sensible of a spirit that operates with much vigour in matters tending to the injury of the purity of religion and legal liberty of the subjects; and I doubt not but you know the same spirit works in the country, as well as in the Court, and draws a party with it. This clashing in the House, between the Lords and Commons (if it be not speedily reconciled) will beget the like distances in the country; yet I doubt not but that the right shall in the end prevail, if the favourers of it continue constant. I only fear that this discountenancing and turning out of the well-affected officers may discourage the generality in their perseverance. It will rest principally upon the labours of that House, to encounter and overthrow those councils which persuade the placing of unworthy men where the King is pleased to displace others: yet if good men be placed in such eminent places of trust, the peril is less. I have not heard that ever the Lieutenancy of the Tower was placed upon a desperate person, but for some desperate design. The King's goodness will, I hope, hearken to the advice of his Commons, which is the major and more infallible part of his great councils, especially in those things wherein a considerable number of his nobles do join with the Commons. I perceive his Majesty hath published an Answer to your petition, which in my conceit doth little weaken what you have declared only in the point of councillors: it may give occasion to you to name the persons faulty, and their crimes, which your modesty, in the Petition and Remonstrance, hath not declared. And in these levies for Ireland there must be great care taken to send over commanders well affected in religion, lest

they may be made use of to ends contrary to the good intentions of the Parliament. I wish the Scottish succours were landed in Ireland, to give countenance and strength to the afflicted and miserable party of the Protestants; for it is visible that our English succours are like to move slowly, such power have the Popish party in the councils and designs of this State. Some great plot they have in hand, though secretly carried; for it is reported that here are dubious words cast out, like those about London, wherein the Papists pray continually for good success, but in what it is not known; and other like words of doubtful construction: that before long time there will be some great alteration, which I hope shall not be for the advantage of that profession. The insurrections of the apprentices (as all ungoverned multitudes) are of very dangerous consequence; but God, who works miracles, can, out of such violent actions, bring comfortable effects; which I beseech Him grant to this much distracted empire: and truly, the like and much more violent tumults in Ireland, for unjust and irreligious pretences, seem to give warrant and precedent to an opposite irregularity of the same nature, which is for just and religious ends in this kingdom.

The last week I sent Sir William Constable such proofs as he desired, to justify his petition against Derelove's election. Amongst others, some were to prove that he did exercise the place immediately before and presently after the election. If he need more particulars than I have already sent him, he may instance, that about fourteen or twenty days before the election, my cousin, Tom Vavasour of Newton, came to William

Derelove, and desired warrant to arrest Mr. Christopher Townley (then in Knaresborough), and Derelove himself carried Vavasour to his office (as he termed it), and there writ and subscribed the process, and delivered them to him, and took his fees as bailiff and steward for the arrest. They make proud boasts amongst this deluded people what great friends William Derelove hath in Parliament and Court; and William Conyers saith, that if William Derelove be rejected, yet he will be elected; for one of them, he saith, will have it. But they are neither worthy of the place, nor worth so much labour as they impose upon your lordship in reading their follies. I still hope that when Sir William Constable shall appear in his own cause, his opposite's unworthiness will then appear more visibly to the House. He set forward this last week, and I hope is safely arrived at London before this day, which I should much rejoice to hear, for we had extreme ill weather when he set out, which agrees not with the weak constitution of his health.

If the cold weather were once past, I am resolved to take a journey to London, to wait upon your lordship. I hope about February the natural tempests of the weather, and the political tempest of the State, will be more spent, and the season incline to more serenity, of which I much desire to be a spectator; and if the fate of England deny me that happiness, yet I hope I shall at least see your lordship in health, which will be no small joy to me, that am

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

January 7th, 1641. (N. S. 1642.)

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, AT WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

THE last week's post brought us such heavy news, as hath caused great fear and sadness in the well affected subjects; and, on the contrary, has much rejoiced the Papists and others that were ill affected, who all hope for advantage by such distractions of the State. And my conceit is, that it is a mere plot and stratagem of the Jesuit party, to set a jealousy between the King and the Parliament; now at this instant to hinder their conjunction to repress the Popish rebellion in Ireland, that so that party may have opportunity to become absolute masters of that whole kingdom, and constrain the King and State, either to undertake a most dangerous and chargeable reconquest of the country, or else to grant them pardon, with free exercise of religion, and restitution of all lands planted with English Protestants; and by that means make it impossible ever to plant the reformed religion there again.

On Tuesday last, there were some directions showed me, sent to our new sheriff, from your lordship and Mr. Bellasis, for return of the country's billet, where it is wanting, for these parts. I sent your lordship, about three weeks' since, the copy of that taken by Mr. Ingilby and myself, which I hope came to your lordship; yet, to prevent the country's loss, I shall join with Mr. Ingilby and send another copy. Nevertheless, I would gladly know whether that which I sent did

come to your lordship's hands or not, because of my letter wherein it went inclosed.

On Tuesday next we have appointed to meet about the review of the poll, in which I fear we shall find much backwardness, because it is generally divulged here that no part of England have yet made any review. I desire your lordship would be pleased to let me know if any parts of the South have yet reviewed that cess, and whether their reviews be returned into the House or not; and it will encourage us to go on with more confidence in the work.

On Monday last, the quarter-sessions were held at Wetherby, where the business held us two days; no matter of great moment coming to the court: the business was for the most part of petty differences. Yet one thing fell out which I will make bold to impart to your lordship: I had sent William Warwick, of Knaresborough, to the jail at York, for suspicion of coining money, being treason, and some other suspicions charged on him. His wife bringeth a petition to the sessions, and in it desires that the Bench would bail her husband. The justices all of them denied to grant it, as a thing without their commission. Nevertheless, Robin Benson and his clerks in their chamber on Monday in the evening, without direction of the justices, take three sureties bound that Warwick shall appear at the assizes; and then they make an order of court in name of the justices then holding sessions, directed to the jailer to deliver William Warwick, and sent it away for his delivery by those who solicited it; having neither hands nor consent of any of all the justices then at sessions: being Sir John Goodrick, Mr. Stanhope, Mr. Hopton,

Mr. Marwood, and myself. Mr. Benson is a great friend of Warwick's; and, peradventure, Warwick may be acquitted upon his trial, for it is a difficult matter to find any man guilty of that kind of crime; yet, howsoever, it was a high presumption in Mr. Benson, being only a minister of the court, to do such an act, without and contrary to the vote of the Bench. I do the rather acquaint your lordship with this, because I have observed in some matters of late, Mr. Benson hath run in an opposite course to your lordship, and now you may consider whether or not he have deserved blame in this act.

In my conceit it would much conduce to the strengthening and fortifying the resolutions of the Protestants against the Papists, and their attempts in England, to have a book published and dispersed in print, containing all the true and certain advertisements and relations which have come to the Parliament, or the Lords of the Council, touching the slaughter and murder of the Protestants in Ireland, and the cruelties exercised upon them by the Papists; for I find that the daily resort of the distressed Protestants of Ireland who come hither driven from their habitations by the Papists, do animate the people here against the Popish party, and make them distaste them exceedingly, which is one good effect of many evils. I wish this week's advertisement may bring us some good inclination of the general affairs there, and in particular of your lordship's good health, which is much desired by

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

January 14th, 1641. (N.S. 1642.)

We have somewhat departed from chronological order by including in this Chapter the entire of the foregoing letters; but we have done so for the purpose of considering, without interruption, the series of important events, which occurred in such rapid succession between the King's arrival in London from Scotland, and his final separation from the Parliament.

CHAPTER VIII.

Change in the King's manner—His improved position—Scotch Party—Irish Papists—London Royalists—King's sanguine expectations—King's entrance into London—The Festivities, Procession, &c.—Refuses a Guard to the Parliament—The Remonstrance—Detail of grievances and their remedies—Stormy Debate upon it—Protestation against its being printed—Falkland and Cromwell—Remonstrance presented to the King—Its importance—His three chief Advisers—Hyde declines the Solicitor Generalship—Prepares a Reply to the Remonstrance—House of Commons make efforts to relieve Ireland—Rebels apply for peace—Impressment of Soldiers—Peers and Commons differ—King commits a Breach of their Privileges—Jealousy of his military control—Suspicious movements—Parliament again applies for a Guard—Faithless reply of the King—Tumults—First application of the term "Round-head"—Private plotting to seize the five members—Letter from Mr. Stockdale—Value of Strafford's Yorkshire Estate—Progress of the Moderate Party—King attempts to seize the five members—Captain Langrish and the Countess of Carlisle give timely warning—Narrow escape of the members—The King's Address—Outrageous conduct of his attendants—Consequences of this violent and illegal proceeding—This violence suggested by Lord Digby—Queen coincides with him—Probable Motives—The King's advisers disheartened.

ALL contemporary authorities afford us testimony, that from the day of the King's return to England from his last sojourn in Scotland, the tone of his intercourse with the Parliament had an acerbity and sternness which had never before characterised it. No other authority need be quoted than Mr. Hyde, who, in more than one paragraph of his memoirs, relates the frequent occasions he had to regret and to moderate "its sharpness." * To detect the cause of this change requires no great perspicacity, for it was the alteration

* Clarendon's Autobiography, 53, &c.

to be expected in a mind so constituted as was that of Charles, when he perceived, or believed that he perceived, his power once more in the ascendant, and that he might venture to exhibit the ill-feeling he so long had been compelled to conceal. He had been retreating slowly, reluctantly, doggedly, but the time appeared to be now come for recovering what he had been obliged to yield, and he could not resist the inclination to vent his spleen even before the time for attack had arrived.

Charles was persuaded that he had established a friendly connection with the predominant party in Scotland—he intimated as much in his marginal replies to Sir Edward Nicholas, as we have observed, and that persuasion gave birth to the first sentence of the address, with which he met his English Parliament—"I have left that nation (the Scotch) a most peaceable and contented people, so I was not deceived in my end."*

The Papists in Ireland, too, were in arms; and though their sanguinary massacres involved all English Protestants, yet if they took part with either of the two great contending parties in England, that aid would be given to the King and Queen, who had all the English Papists among their supporters,—certainly not to the Puritans, who hated them with the hatred of zealots, and who waged a persecution against even the painted glass and church pictures, which savoured of their ritual. We may estimate this sectarian feeling from the facts that the sober-minded Mr. Stockdale recommended the confiscation of all property belonging

* Parl. Hist. II. 966.

to Roman Catholics, whilst some proceeded so far as to advocate retaliation upon them for the Irish Massacre.*

England, also, gave signs that the fickle breath of popular favour was veering from the Parliament to the Royalists. The Lord Mayor of London had led forth its citizens to welcome the King on his return, and "moved with great indignation to see the City so corrupted by the ill artifices of factious persons, had attended upon his Majesty at his entrance into the City, with all the lustre and good countenance it could show, and as great professions of duty as it could make, or the King expect."† Sanguine in magnifying every gleam of returning influence, Charles did not merely accept it as an omen of brighter days, but as a signal that victory sat upon his helm. He showed this by a course of conduct not to be mistaken. He did not stand alone in his opinion. "Many people," (we are quoting the words of a truthful contemporary,) "many people, ill-affected to the Parliament, gave it out, in ordinary discourse, (*non ignota loquor*,—it is a known truth) that the City was weary of the Parliament's tedious proceedings, and would be ready to join with the King against them. Whether it begat the same opinion in the King I cannot tell, but certainly some conceived so, by actions which immediately followed, expressing a greater confidence against the Parliament than before."‡

Most certain is it that the civic welcome was attended with unwonted demonstrations, and such

* A commission was issued to certain parties, empowering them to destroy crucifixes and other public decorations having reference to Roman Catholic ceremonies.

† Clarendon, I. 254.

‡ May's History of the Parliament, II. 18 ; Breviary of the Civil War, 36.

expressions of active devotion as might have dazzled one who had a clearer view of the probable future than was characteristic of Charles. Attended by the Queen, his children, and the chiefs of his household, he approached London from Theobalds, on the 25th of November. From Stamford Hill, the sheriffs, with a body of javelin men "in scarlet cloaks and feathered hats," guarded the royal *cortège* to Kingsland, from whence "through the fields into Moorgate, the banks were cut down, and bridges with planks set up for the better passage"—a provision not a little needed at that season, and in those times of "roads marvellously bad."

At the entrance of the fields was pitched the Mayor's tent, in which were assembled the nobility and civic authorities, waiting to kiss the hands of their Majesties, "joying the King's happy return," and to weary him with an address more than long enough for that season, so unpropitious for out-door exhibitions. That address, however, among others which equally bespoke the hopes he cherished, contained this sentence:—"I can truly say from the representative body of your City, from whence I have my warrant, that they meet your Majesty with as much love and affection as ever citizens of London met with any of your royal progenitors, and with as hearty a desire to show it fully."*. Charles seized gladly on the promise of aid in the leading sentence of his speech, replying—"Now I see that all these tumults and disorders have only risen from the meaner sort of people, and that the affections of the better, and main part of the City, have ever been loyal and affectionate to my person and government."

* Rushworth, V. 429.

The Lord Mayor and Recorder were knighted on the spot; and the King mounting his horse, then rode in procession to a festival in the Guildhall.

The cavalcade was gorgeous, and far too lengthy to be particularised; but among "the city bravery" were "citizens in velvet coats with chains of gold, well-mounted, to the number of five hundred, two and two, selected out of the companies, who were distinguished by several trumpets and horsemen wearing the ensign of each company at the head thereof, every man having his footman in suit and cassock, with ribbon of the colours of his company." The aldermen, "on festive deeds intent," were there of course, with trumpeters, pursuivants, gentlemen of the Privy Chamber, noblemen, and all the usual panoply; and the streets from Moorgate to Temple-bar were lined by the livery companies in full costume, "with their several banners and ensigns;" and, as a superlative demonstration of aldermanic joy, "the conduits, as his Majesty passed, ran claret wine."

The feast concluded, more knighthoods were bestowed; and the Court passed on, "attended by the whole city to Whitehall." The concord, however, seemed so full and heartfelt, that the outpouring on this occasion did not suffice to give the loyal citizens relief. So a week subsequently, the authorities waited upon the King, thanked him for the honour he had conferred upon them, and besought him to spend his Christmas among them, because such "residence would give a good quickening to the retailing trade, and by consequence to the merchant." This request was grateful to the King, and readily granted; but it was still more gratifying to hear from the civic authorities the assurance that "some late

disorders about Westminster," occurring since his return, did not arise from "the body of the City, or the better sort of citizens," but from "the meaner sort of people" of its suburbs.*

Emboldened by the assurances he had received, confident that in every division of the kingdom his cause was in the ascendant, Charles lost not a day before he evinced the bolder front he proposed to turn towards the Parliament. On the 26th of November, the very day after his arrival in London, he ordered the guard about the Houses of Parliament to be withdrawn. They petitioned in vain for them to be restored, but could obtain no further acquiescence, than that "some of the Trained Bands (of the City) should wait upon them for a few days," and the monition was added, that "when Parliament should desire of him any extraordinary thing like this, and what appears of ill consequence, that they give him such particular reasons as might satisfy his judgment, if they did expect their desires to be granted."† This tart reply did not conclude the negociation, for the spirit of discord was between them, and the Commons persisted in their application, giving as their "particular reasons," such facts connected with his Majesty's late proceedings in Scotland, the Irish Rebellion, and rumours from abroad "that there should be a great alteration of religion in a few days, and that the necks of both the Parliaments should be broken," which though failing to alter the King's resolve, could not fail to be annoying and exasperating; especially, as they added this somewhat more than petition, that "to have a guard or any

* Rushworth, V. 435. † Parl. Hist. II. 941.

other (than the Earl of Essex) not chosen by themselves, they can by no means consent to; and will rather run any hazard than admit of a precedent so dangerous both to this and future Parliaments." *

The reasons they urged were powerless to convince the King; so the guard was withdrawn; but the Commons, nothing daunted, proceeded in their onward course to render the King yet more powerless. Indeed, it was impossible for them to remain passive, now that Charles was gathering strength and allies, regardless of the sacrifices by which they were purchased.

A Remonstrance some months before had been in agitation, but had been allowed to sleep until the King's proceedings in Scotland, and the efforts of the royalists in the City became known. The preparation of that Remonstrance, to warn the people from a relapse to the misrule from which they had been rescued was then revived. "It came forth," as Mr. Stockdale observed, "very seasonably, because the Anti-parliamentarian faction began to extenuate (depreciate) their long session." †

The Petition which accompanied that Remonstrance asked Charles to consent to the removal of bishops from Parliament, and that he would be pleased to employ no one in the great offices of the State but such as the Parliament "may have cause to confide in."

The Remonstrance itself gathered together, in one series, and in strong vituperative language, every instance of misgovernment and despotism since the King's accession to the throne. The employment of the fleet against Rochelle; "the expenseful and successless attempt upon Cadiz;" the wars and paci-

* Parl. Hist. II. 942. † See p. 289.

fications with France and Spain, "without consent of Parliament;" the abrupt dissolutions of that portion of the legislature; the extortion of money by Privy Seals, Knighthood-money, Ship-money, Monopolies, and other illegal modes; the disregard to the Petition of Right; the breach of Parliamentary Privilege by the arrest of the members of the Commons; the death of Sir John Eliot, "by the cruelty and harshness of his imprisonment," "his blood still crying for vengeance, or repentance of those ministers who at once obstructed the course of justice and mercy;" the cruelties of the Star Chamber and other illegal courts; the displacing and overawing of the judges; the pricking of sheriffs for political purposes; the emigrations to America to avoid the tyranny which oppressed these realms; the perversion of the pulpit to be an instrument of State; the attempted enforcing of Episcopacy upon Scotland, its ruinous consequences, and the attempts of some to change the nation's religion, were all pourtrayed with unmitigated asperity, as well as the benefits arising from, and the opposition to, the Parliament's successful efforts for their removal.*

No more striking proof of the increasing strength of the royalist party can be adduced than the debate upon that Remonstrance. It was only carried by the votes of 159 opposed by 148; and the contest was prolonged to a length which was then unprecedented. Mr. Hyde and the Court party argued that it was unnecessary and unseasonable, for the grievances were removed, and the King only just returned from consenting to reforms in the sister kingdom. But the opponents of

* Parl. Hist. II. 943—964.

the royalists replied, that the danger of being deprived of all the good they had now so hardly won was imminent, "if great care and vigilance were not used to disappoint some counsels which were still entertained.*

Every art, we now know, was employed by each party to obtain a majority, yet so satisfied were the reform party of a victory, that they ridiculed the idea of a protracted debate. When postponed at the desire of Lord Falkland, for the purpose of being entered upon early in the day, Oliver Cromwell, "at that time little taken notice of," asked him his reason, "for that day would quickly have determined it;" and upon Falkland replying "it would take some debate," Cromwell retorted, "A very sorry one."

On the following day the debate commenced, and continued "with much passion" from nine in the morning until after midnight, and was carried in favour of the remonstrance by the small majority just named. Hampden then proposed that it should be forthwith printed, which "waked the war anew," and "produced a sharper debate than the former." "At three of the clock in the morning," says the member for Radnor, Sir Philip Warwick, "I thought we had all sat in the valley of the shadow of death; for we, like Joab's and Absalom's young men, had caught at each other's locks, and sheathed our swords in each other's bowels, had not the sagacity and great calmness of Mr. Hampden, by a short speech, prevented it, and led us to defer our angry debate until the next morning." †

* Clarendon, I. 246.

† Warwick's Memoirs, 202. The proposal to print was then lost, by 124 in opposition to 101; but was carried on the 14th of December, by 135 ayes against only 83 noes.

The fury with which the House was excited was exasperated by the consciousness actuating both parties that upon the publication of the Remonstrance alone depended its public influence. It was not a Bill, therefore the concurrence of the Peers was needless; but it was an appeal to the people. Hyde, with more warmth than reason, argued that the printing was not lawful, and, as he believed it would be productive of mischief, if the vote for printing were in the affirmative, he should ask permission to record his protestation against it. Mr. Jeffrey Palmer "a man of great reputation and much esteemed in the House," followed in the same course; but others of the same party, "without distinction and some disorder," cried out together, "We protest — We protest." This is Clarendon's account, and we may accept it as truth, since it is to the disadvantage of himself and friends. It was at this moment that Hampden moved the adjournment; and as they retired from the House, Lord Falkland roused Cromwell with the query, "Well, has there been no debate?" Cromwell replied that "he would take his word another time," adding in a whisper, "if the Remonstrance had been rejected, he would have sold all he had the next morning, and never have seen England more."* He did not stand alone in that

* Clarendon, I. 247. Mr. Palmer was committed to the Tower for his protest, and conduct contrary to the rules and privileges of the House. Even Hyde narrowly escaped a similar fate; and if any one deserved so sharp a reproof, he was the most entitled to the visitation. The protest, in case of necessity, had been a preconcerted measure; for Sir E. Nicholas, writing to the King, on the day of the debate, November 22, said, "The Commons have been in debate ever since twelve at noon, and are at it still, being now near twelve at midnight. I assure your Majesty there are divers in the Commons' House that are resolved to stand very stiff for rejecting that Declaration, and if they prevail not, then to protest against it."—*Evelyn's Memoirs*, II. 80.

resolve, for it would have been a demonstration that the Court party was prevailing, and then England would have been no place of safety for the Roundheads. The motion for the order to publish was lost by a small majority, but a resolution was passed to the effect that it might be printed by a special order of the House; an order which was soon after given.

On the 1st of December, the Committee appointed by the House of Commons, reported that they had presented the Remonstrance to the King on the previous evening at Hampton Court.* Sir Edward Deering had been selected to present it, but declined from even accompanying the Committee, and that duty devolved upon Sir Ralph Hopton, an ardent royalist. When brought into the presence of the King, they knelt, but he commanded them to rise, and then listened without comment to the Remonstrance, until that portion was read denouncing a malignant party about his person, who designed to effect a change in the established religion, which Charles denied with more energy than courtesy, hoping "the devil might take" any one who purposed such an alteration. The reading concluded, the King inquired whether the House intended to publish that Remonstrance, and the answer being undecisive, he added—"I suppose you do not expect a present answer to so long a petition; but this let me tell you," (and it was a fact totally irrelevant, but weakly introduced as a remembrance of his improved power,) "I have left Scotland well in peace: they are well satisfied

* The committee were, Pym, Sir Symon Dewes, Sir Arthur Ingram, Sir James Thynn, Sir Henry Bellasis, Lord Gray, Sir Christopher Wray, Lord Fairfax, Sir Ralph Hopton, Sir Richard Winn, Sir John Corbet, Sir Edward Deering, and Sir Arthur Haslerigg.—*Rushworth*, V. 436.

with me and I with them, and though I staid longer than I expected, I think if I had not gone, you had not been so soon rid of the army. I shall give you an answer to this business with as much speed as the weight thereof will permit."

Charles was right in his estimate of that manifesto. It was indeed a weighty and startling catalogue of evils and despotic acts to which he had clung, and of cruelties and tyranny exercised in order to retain the power of repeating them. It exhibited in a concentrated form the faults and calamities incident to absolute monarchy; and by showing how the power to re-iterate those calamities had been restricted, presented in most strong and most favourable contrast the safeguards and the blessing of a government more balanced by popular influence. If there had been no House of Commons, all the oppression would have yet weighed down and shackled our liberties and energies.

Charles was with good reason anxious that this black roll should not be unfolded to the public eye. But his anxiety could not delay its publication, and, as his only resource, a plausible reply was agreed to be issued, though a satisfactory answer was hopeless. His three principal advisers were now Lord Falkland, Sir John Culpepper, and Mr. Hyde, three seceders from the ranks of his opponents; and it is curious, as well as big with instruction, to observe that they, as well as others of his best advisers and staunchest adherents, in adversity as well as in brighter seasons, were furnished by the popular party.* Had their advice been followed, free

* Lord Falkland was Secretary of State; Sir John Culpepper, Chancellor of the Exchequer; Earl of Essex, Lord Chamberlain; St. John, Solicitor General; Lord Savile, Treasurer; Littleton, Lord Keeper; and Herbert, Attorney General.

as it was from faction as from despotism, the blood of England would not then have been poured out in domestic warfare, nor would Charles have died upon the scaffold.

Mr. Hyde held no official appointment. The Solicitor Generalship had been pressed upon his acceptance both by Charles and his Queen; but Hyde's hearty reply of "God forbid!" was sustained by too many cogent reasons to be over-ruled. It was true, that St. John, who held the office, was not a character "that would ever do much service, but he would be able to do much more mischief if removed;* and Hyde, unconnected with office, would be more free to act, and more above suspicion of being actuated by the duties of his appointment. Not that it was possible for him to escape from being known as one of the King's most trusted advisers. It could not be concealed for any length of time, that upon every consultation, Charles never decided how to act until he had ascertained "whether Ned Hyde was of that mind."† His friendship too, with Lord Digby, one of the most favoured, though not the most worthy of courtiers, was well known; and at his lodgings Falkland and Culpepper met him in nightly council.

Digby at this juncture coming to Hyde's house, the latter read to him an answer he had prepared to the Remonstrance of the Commons. That answer, we are told by its author, was written "only to give vent to his own indignation, but without the least purpose of communicating it, or that any use should be made of it;" a statement difficult of credence, when we know that he was the King's most influential adviser, and the

* Clarendon's Autobiography, 46, folio edition. † Ibid. 51.

one to whom he looked for the preparation of all his public papers.*

Whatever might have been the intention, Charles prevailed over Hyde, though "it might prove ruinous to him," to allow the answer to be published as if emanating from the King; and thus commenced that war of pamphlets in which the encounters were at the least as numerous and quite as vindictive as those between the same partisans in the field.

The "Answer" was read to the King's Council, and being approved by many, and opposed by none, it was published as "with their advice." Its author may be pardoned for observing "that the King's service was very much advanced by it;" but any one who now bestows upon it a perusal, will certainly coincide with the less biassed contemporary, Mr. Stockdale, that "that answer doth little weaken what you (the Parliament) have declared."† It contains no defence of former misrule, no confession of improved laws, but declares that "in few words, we shall pass over that part of the narrative." But it laments "as not the least of misfortunes," that the high prerogative advisers of the Crown had not been retained, though excepted to by the Parliament; and it throws the blame upon the House of Commons, that the Irish Rebellion was not extinguished, inasmuch as they had refused to sanction the King placing himself for that purpose at the head of "ten thousand English volunteers." ‡

The lamentation over the loss of friends, whether by exile or the executioner, was natural, and may be

* Clarendon's Autobiography, 44, folio edition.

† See p. 294. ‡ Parl. Hist. II. 977.

accepted with respect even in that unmitigated form of expression; but no one of well-balanced judgment will condemn the Parliament for not furnishing Charles with 10,000 "volunteers," men by their mode of enrollment and officering devoted to himself, when they remember that within a very few months he raised his standard against the Parliament itself.

It is not consonant with truth, though asserted by some, that the House of Commons delayed succour to the Irish Protestants, upon the pitiful pretext that the Peers thwarted them by objecting to the preamble of their Bill against impressment. The knowledge of the rebellion had reached Parliament on the 1st of November; on the next day they ordered 20,000*l.* to be taken from the Treasury, and 8000 troops "to be speedily raised" for the service of Ireland, ships to be distributed round its coast, and magazines to be established for the same service.* Similar steps were taken to direct the aid from Scotland of 10,000 men for the same object, and on the 10th of the same month an additional 4000 infantry were ordered to be raised.

The Irish rebels were fully cognisant of the approaching retribution, for they offered pacificatory terms, and on the 8th of December their application for peace on the basis of a free exercise of their religion was unanimously rejected by both Houses; they resolving, "That they would never give consent to any toleration of the Popish religion in Ireland, or any other of his Majesty's dominions."

Instead of raising "volunteers" for the Irish expedition, as proposed by the King, it was determined,

* Parl. Hist. II. 927.

according to former precedents, to impress men for that service. Impressment was an acknowledged evil, and one of the severest instruments in unparliamentary times, employed by our sovereigns to exile those obnoxious to them.* A bill was introduced, therefore, empowering the impressment of men; but setting forth in its preamble, "that the King had, in no case, or upon any occasion but the invasion from a foreign power, authority to press the free-born subject; that being inconsistent with the freedom and liberty of his person." This preamble would have received the consent of the House of Peers if the Attorney General, who, like his royal master, was advancing in courage, had not requested to be heard "on the King's behalf before consent was given to a clause so prejudicial to the King's prerogative."† The Commons unadvisedly resented this interruption, and would soon have been compelled to pursue a more temperate course rather than leave Ireland without the requisite assistance, when the King, by another inconsiderate step, rescued them from their dilemma, and turned upon himself the indignation of both Houses.

Acting upon the private advice of the Solicitor General, Charles went to the House of Lords, and summoning the Commons to attend, told the assembled members, that the necessities of Ireland were so urgent that he came "to commend earnestly the despatch of the expedition." To this no objection could be suggested; but he thus proceeded,—"Seeing there is a dispute raised (I being little beholden to him who-

* This is no surmise. Mr. D'Israeli, in his "Curiosities of Literature," has given numerous instances.

† Clarendon, I. 257.

soever at this time began it) concerning the bounds of this ancient and undoubted prerogative (of pressing soldiers), to avoid further debate at this time, I offer, that the bill may pass with a *salvo jure*, both for King and people, leaving such debates to a time that may better bear them." * Such a proposal, if suggested by one of his ministers in the course of debate, might have been as oil poured upon troubled waters; but Charles, gaining no wisdom, taking no warning from experience, and disregarding the privileges of the Parliament, thrust himself forward to direct its proceedings on subjects yet under debate. He had done so in Strafford's case, and now, as upon that occasion, reaped the same result.

Throwing aside their animosities and strife, both Houses agreed in resolving "that the privileges of Parliament were broken," and united in presenting a protestation to the King against such interferences. Charles replied to them with becoming spirit, by assuring them that he intended no breach of their privileges, but that he would ever uphold and protect them; adding this counter-thrust, "We expect that you will be as careful not to trench upon our just prerogative, as we will not infringe upon your just liberties and privileges." † But the Houses were now unanimous upon the preamble; "so in the end," says Clarendon, "the King was compelled to pass the bill which they had prepared." ‡

* Parl. Hist. II. 969. † Rushworth, V. 457.

‡ Clarendon, I. 259. In the meantime the Parliament had not been dilatory in forwarding some succour to the Irish Protestants. Fourteen hundred men had been landed at Dublin, at the end of December, and early in January.—*May's Long Parliament*, II. 33, &c. And Sir Richard Grenville, with Colonel

Another source of jealousy, now actively developed, sprang from the control over the military resources inherent in the Crown. Very sufficient cause for that jealousy existed, however, as it was to the Parliament that Charles, on more than one occasion, had looked for aid to that branch of his prerogative, in order to employ it against themselves. Even Clarendon tacitly admits, that if the King had been allowed to raise an army of Volunteers, "they would probably be more at his devotion than they (the Parliament) desired." He had removed from the Lieutenancy of the Tower Sir William Balfour, a man of honour, and not willing to be a courtier, to make room for Colonel Lunsford, "a man of decayed and desperate fortune," who had been one of the band of soldiers and law students carousing at Whitehall.* Military stores had been collected at Hull; and a few days subsequently to Colonel Lunsford's removal from his appointment, he had appeared in arms with Lord Digby, and to an assembled force of about one thousand men at Kingston, had given thanks to them in the King's name, telling them "that his Majesty had brought them out of London, to keep them from being trampled in the dirt."†

Monk, followed in the next month with about two thousand more. At the same time it is certain that both the King and the Parliament were more attentive to their own rising contest than to the Irish outrages. The Parliament devoted some of the money intended for Ireland to warlike preparations nearer home; but not until Charles had made hostile demonstrations in the north, and had withdrawn for his own use both arms and ammunition from the arsenals of Dublin. Other authorities intimate that the King, far from being anxious to put down the Irish rebellion, thinking it a diversion in his favour, "was long before he could be drawn to proclaim those murderers rebels; and when he did so, by special command, there were but forty proclamations printed, and care taken that they should not be much dispersed."—*Memoirs of Colonel Hutchinson*, 75, Ed. 1808; *May*, II. 35.

* Rushworth, V. 459. See p. 185.

† Parl. Hist. II. 1039. Wood endeavours to ridicule this demonstration

Seeing these attempts, the Parliament, on the last day of the year (1641) petitioned the King to grant them a guard, specifying that they wished it to be selected from the Trained Bands of the City, and under the command of the Earl of Essex, Lord Chamberlain. That they needed such a protection was demonstrated by the daily broils "occurring between the Palace Yard and Charing Cross," the combatants being the King's retainers and the mob, who sided with the Parliament.

We adverted to these tumults, somewhat out of course; for though they began earlier in the year, yet it was at this time that they were at their greatest height of disorder and violence. At the earnest persuasion of the Lord Mayor, who warned the King that the apprentices of London would attempt to rescue the Tower from Colonel Lunsford's control, the latter was deprived of that command.* This was on the 26th of December, but as it was not generally known, the concourse of people at Westminster, on the following day, was even more numerous than had been lately usual. Their chief cry was "No Bishops! No Bishops!" And the Bishop of Lincoln, endeavouring to seize one of the mob, who was prominently clamorous, the people seized his lordship, and, without further injury, seem to have deafened him with the unpalatable cry. One David Hide was

(*Athenæ Oxon.* II. 579); but that it was a serious attempt to effect an armed interference for the King is sustained by the fact that as it was a failure, and the Commons assailed it in debate, Lord Digby fled to the Continent. Sir John Evelyn, when introducing to the Peers the articles of Digby's impeachment, said, there was proof of his enlisting soldiers for the King.—*State Trials*, II. 140.

* Rushworth, V. 462. Some have ignorantly ridiculed these fears of the power possessed by the London apprentices. If they consult history, they will find that in those days of imperfect police they were a most formidable body.

prominent in coming to the ex-Lord Keeper's rescue; and we notice this "reformado in the late army against the Scots," because his impromptu threat that "he would cut the throats of those *Round-headed* dogs who bawled against the Bishops," was, according to Rushworth, "the first minuting of that term or compellation of *Roundheads*, which afterwards grew so general." * Lunsford, smarting under his recent deprivation, was also there, with some thirty or forty armed friends; and these drawing their weapons, attacked the apprentices, "and some hurt was done." Reinforcements coming up "with swords, staves, and other weapons," the contest spread and became so violent, both in London and Westminster, that "the Lord Mayor and Sheriffs rode about all that night to appease the tumults; the City gates were all closed, a strong watch set in every place, as well of men in arms as otherwise, and the Trained Bands raised the next morning for the safety of the City." Even "the King commanded some of the Trained Bands of Westminster and Middlesex to be raised by turns to guard his royal person, with his consort and children, at Whitehall, where thenceforward a company or two continued their attendance day and night, by his Majesty's order." † Yet what did Charles venture to reply to repeated petitions of the Parliament for a guard? "We are wholly ignorant of the grounds of your apprehensions; and we do engage unto you solemnly the word of a King, that the security of all and every one of you from violence is, and shall ever be, as much our care as the preservation of us and our children." ‡

* Rushworth, V. 433. † Ibid. 464. ‡ Ibid. 472.

Charles ventured thus to reply—thus to promise—on the 3rd of January. No guard was afforded, and the most credulous will not believe for a moment but that the guard was withheld to avoid an interruption to his seizure of the five members of the Commons, which he attempted on the very following day.* This event is slightly alluded to in speaking of Lord Mandeville in the following letter, but it will require a more detailed narrative.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

UPON Tuesday last we had a meeting here at Knaresborough, about the review of the poll, where Mr. Ingilby, Mr. Marwood, Mr. Tankard, and myself, met; but Sir William Ingram nor Mr. Hopton, who had the body of the wapentake in charge, came not, nor Sir Richard Hutton, who was joined with me for Knaresborough Liberty; his absence being occasioned by the office taken upon the Lord Strafford's attainder, for which he was a commissioner. I hear the office was found at Pontefract on Monday last, and his personal

* We have good grounds for believing that the plot for seizing the five members had been some time in agitation, and that the Parliament had a hint of the intended outrage before the time of its perpetration. When the King refused to allow them a guard, they had halberts and other arms deposited in the House, for which there could be no reason, unless to guard themselves against some threatened attack. Lilly states positively that the attempt to seize the five members was one of the results of "private whisperings in Court, and secret councils held by the Queen and her party, with whom the King sat in Council very late many nights, all this Christmas, 1641."—*Maseres's Select Tracts*, I. 170.

estate valued at eighty thousand pounds, which was a vast mass of wealth to be extorted out of that employment in Ireland. We that met at Knaresborough acquainted the constables and assessors with the cause of their being called together, and gave them charge to make an impartial review of their former assessments, and to make a more exact return to us upon Candlemas-day next. And we further declared that if they should not faithfully discharge their duties, we must not only certify their misdemeanors to the Parliament, who will inflict due punishment on them, but also that we ourselves must review their return, and impose arbitrary cesses where there should appear cause for it. The country seemed resolute in their former returns, and some answered that they could not nor would not alter them.

Mr. Ingilby and I have renewed the certificate of the billet for Marquis Hamilton's regiment, and sent it inclosed in a letter by Peter Benson of Knaresborough, who sets forward to-morrow or Monday next. We still hear that the affairs there continue in a doubtful condition, and that the height of violence against the Lord Mandeville, &c. is little abated;* though we conceive some hope is to be found in the mediation of six lords, nominated to negociate in those differences. The great forwardness of the Londoners and southern men to

* Lord Mandeville, better known as Lord Kimbolton, was one of the six members of the legislature impeached by the King. His lordship did not retire into the City, as did the five members of the Commons who were conjointly impeached with him; but he boldly demanded at once to be tried. If the Peers had been bound by the precedent afforded by Strafford's case, they ought to have committed Lord Mandeville to custody upon the general accusation; but instead of doing so, they appointed the committee alluded to by Mr. Stockdale, to "consider of precedents and records." Eventually the King abandoned the impeachment.—*Nalson*, II. 812.

protect the Parliament in its freedom and essence, is not a little comfort to all such here as do not prefer some other end before their country's liberty and reformation of religion; and I think it is both convenient and seasonable now for all other remote parts of the kingdom to second those southern parts, in approving their proceedings, and petitioning his Majesty for his royal concurrence with that great council; in the freedom whereof the liberties of all the subjects are involved.

We hear nothing yet of Mr. Benson's deputy-burgess; I suppose the House hath so many weighty matters in hand that it cannot attend him. I know of no protections that Benson had granted until of late, and now I hear of six or seven, thereabout, and in time more will be discovered. I may not waste your lordship's leisure in reading. All the rest I will say is only this: I wish a prosperous issue to the noble and just endeavours of the Parliament, and much increase of health and honour to your lordship, and I am,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

January 21*st*, 1641, (N.S. 1642.)

I had almost forgotten to tell your lordship that on Tuesday last, about ten o'clock at night, one Stamford, a pursuivant, came into Henry Benson's house, to arrest him by some warrant, as I conceive, from the Parliament; but his intention being discovered, his wife, his sons, and family, fell on him, and beat the pursuivant, and would not suffer him to take Mr. Benson, who in the scuffle had the opportunity to escape, and now is removed as they say to some other place.

That rash attempt to seize the persons of the impeached members precipitated into ruin the party which was gradually increasing in confidence and strength by the judicious aid of the King's new advisers, who wisely had sought to take advantage of, rather than to throw themselves into violent opposition to, the current of events. Time was befriending them. The moderate party in the Parliament, which in England always eventually prevails, was unfortunately weak, but had been gradually adding to its numbers, and their just fundamental principle was well expressed by a barrister (Mr. Smith), when he warned the House of Commons that "prerogative and liberty are both necessary to the kingdom, and, like the sun and moon, give a lustre to the nation, so long as they walk at their equal distances, but when one of them ventures within the other's orbit, like those planets in conjunction, they then cause a deeper eclipse."

The influence of this party of moderators, and the natural results of a continued progress in a course of reformation, gradually reduced the strength of the partisans of extreme change. The predominance of political reformers, in general, must be of temporary duration. Time usually reduces their numbers, until their party becomes a minority. Some will desert them because they act too rashly; others will withdraw their support because they proceed with too little vigour; a third section will grow weary of the constant efforts to improve; and differences will weaken by division of opinion both in determining what is faulty and what is remedial. Thus, not agreeing among themselves, they fail before a less numerous, yet more

united party; until the deficiencies, which time will render apparent in all human institutions, or some violent outrage of the executive, again unites them to effect changes which must be unanimously admitted to be desirable.*

That outrage the King, with suicidal rashness, now committed. On the 3rd of January, 1642, the Attorney General, Sir Edward Herbert, exhibited articles of impeachment before the House of Lords, against Lord Kimbolton, Sir Arthur Haselrigg, Holles, Pym, Hampden, and Strode. It charged them with endeavouring to deprive the King of his regal power, and to exalt that of the people; with attempting to render the army disaffected; inviting a foreign invasion (that of the Scots); subverting the rights of Parliaments; and encouraging tumults against it and the King. The Lords attended to the impeachment. The studies and trunks of some of the accused were placed under seal, and on the same day, but previously, the King sent a serjeant-at-arms to the Speaker of the House of Commons, requiring him to deliver up the five impeached members.

The whole of this proceeding was a tissue of error. It was ill-judged to proceed at all; it was illegal if the offences were committed by the accused in Parliament; it was illegal to proceed against the five commoners, otherwise than by a trial by jury; and the Peers acted illegally by entertaining the impeachment at all.

With becoming resolution the House refused to deliver up its members so accused; but they were ordered to attend daily, and his Majesty was informed that his message should be considered, as it was of great consequence

* Life of Selden, 267.

and concerned the privileges of Parliament. Charles, however, did not require their advice; he had resolved to adopt the suggestions of his own will. "Accordingly," says Rushworth, who was clerk of the House, and an eye-witness, "when the five accused members came this day (4th of January, 1642,) after dinner into the House, they were no sooner seated in their places, but the House was informed by one Captain Langrish, lately an officer in arms in France, that he came from among the officers and soldiers at Whitehall, and understanding from them that his Majesty was coming with a guard of military men, commanders and soldiers, to the House of Commons, he passed by them with some difficulty, to get to the House before them, and sent in word how near they were come.*

Whereupon, a certain member of the House (Pym), having also private intimation from the Countess of Carlisle, sister to the Earl of Northumberland,† that

* Captain Langrish was evidently of the party, of which Lilly, the historian and astrologer, formed one. The latter says, "It was my fortune, that very day, to dine in Whitehall, and in that room where the halberts, newly brought from the Tower, were lodged, for the use of such as attended the King and the House of Commons. Sir Peter Wich, ere we had fully dined, came into the room I was in, and broke open the chests wherein the arms were, which frightened us all out that were there. However, one of our company got out of doors, and presently informed some members that the King was preparing to come unto the House." See *Observations on the Life and Death of King Charles*, (1651), in Baron Maseres's *Select Tracts*, (1815), I. 171.

† This lady was a complete political partisan; for Secretary Nicholas mentions her bringing information to the Court party.—*Evelyn's Diary*, &c., II. 24. However, in heart she was now attached to the Opposition. Sir Philip Warwick says that she was a busy stateswoman, at first attached to Wentworth, but at this period to Mr. Pym. He adds, that "she was become such a she-saint, that she frequented their sermons and took notes."—*Sir P. Warwick's Memoirs*, 204. Sir Arthur Haselrigg says, "I shall never forget the kindness of that great lady, the Lady Carlisle, who gave timely notice."—*Burton's Diary*, III. 93.

endeavours would be used this day to apprehend the five members, the House required them to depart forthwith, to the end that a combustion in the House might be avoided, if the said soldiers should use violence to pull any of them out. To this request four of them yielded ready obedience; but Mr. Strode was obstinate, until Sir Walter Earl, his ancient acquaintance, pulled him out by force, the King at that time entering into the New Palace Yard, in Westminster.*

As the King came through Westminster Hall, the commanders, reformadoes, † &c., who attended him, made a lane on both sides of the Hall, through which his Majesty passed, and came up the stairs to the House of Commons, and stood before the guard of pensioners and halberteers, who also attended the King's person. ‡ The door of the House being thrown open, his Majesty, accompanied only by Prince Charles, the Palatine,

* Sir Arthur Haselrigg states: "Some of us were in the House after the notice came. It was questioned if, for the safety of the House, we should be gone; but the debate was shortened, and it was thought fit for us, in discretion, to withdraw. Mr. Hampden and myself being then in the House, withdrew. Away we went. The King immediately came in, and was in the House before we got to the water.—*Burton's Diary*, III. 93.

† *Reformado*—An officer retained in a regiment after his company has been disbanded.

‡ Mrs. Hutchinson says, that the guard which came with Charles to seize the five members consisted of about four hundred gentlemen and soldiers, armed with swords and pistols.—*Memoirs of Colonel Hutchinson*, 76. This number is probably correct; some authorities saying there were two hundred, and others five hundred. That the conduct of these armed men was outrageous is undenied, even by the King; whose only plea in extenuation was a hope that he should not be prejudiced by the acts or speeches of his young and hasty attendants. They came to the very door of the House, and "thrust away the door-keepers," and would keep the door open, having their swords drawn, and "pistols ready cocked near the said door." One said, "I am a good marksman—I can hit right, I warrant you." When some of the members arrived, and their attendants wished to clear a passage for them, these armed intruders expressed no greater deference than to say, "A pox take the House of Commons—let them

entered, and as he passed up towards the chair, he cast his eye on the right hand, near the bar, where Mr. Pym used to sit, but not seeing him there, (for he knew him well,) went up to the chair and said,—

"By your leave, Mr. Speaker, I must borrow your chair awhile."

Whereupon the Speaker came out of the chair, and the King stepped up to it. After he had paused by the chair awhile, and cast his eye upon the members as they stood up uncovered, not discerning any of the five members to be there, his Majesty spoke as follows:—

"GENTLEMEN,

"I am sorry for this occasion of coming unto you. Yesterday I sent a serjeant-at-arms upon a very important occasion, to apprehend some that, by my command, were accused of high treason, whereunto I did expect obedience, and not a message; and I must declare unto you here, that, albeit no King that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be, yet you must know that in cases of treason no person hath a privilege; and therefore I am come to know if any of these persons that were accused are here. For I must tell you, Gentlemen, that so long as these persons that I have accused, for no slight crime,

come, and be hanged!" but did not remain satisfied with words, but disarmed some of the members' servants; and expressed great dissatisfaction that the members could not be secured. Some inquired, "When comes the word?" and it was inferred that if some preconcerted signal had been given, they would have slaughtered the members.—*Declaration of the House of Commons,—Husband's Collection*, 39.

but for treason, are here, I cannot expect that this House will be in the right way that I do heartily wish it; therefore I am come to tell you that I must have them wheresoever I find them."

The King then enquired of the Speaker, who was standing below by the chair, "whether any of those persons were in the House? Whether he saw any of them, and where they are?" To which enquiries the Speaker, falling on his knees, answered,

"May it please your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here; and I humbly beg your Majesty's pardon that I cannot give any other answer than this to what your Majesty is pleased to demand of me."

"Well," continued the King, again addressing the House, "since I see all the birds are flown, I do expect from you that you will send them unto me as soon as they return hither. I assure you, on the word of a King, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other.

"And now, since I see I cannot do what I came for, I think this is no unfit occasion to repeat what I have said formerly, that whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it. I will trouble you no more, but tell you I do expect as soon as they come to the House, you will send them to me; otherwise, I must take my own course to find them."

The King having concluded his speech, retired from the House, which was in great disorder; and many members cried out aloud, so as he might hear them, "Privilege! Privilege! The House forthwith adjourned until the next day at one o'clock." *

In consequence of this violent and illegal procedure, the Opposition party gained an ascendancy superior to that they had previously gained, and from which, indeed, they had been declining. The City was aroused again to declare and even to arm in their defence, and the feeling thus rekindled was communicated to and expressed by the country. Four thousand of the Buckinghamshire freeholders, Hampden's neighbours, rode to London, and expressed their readiness to die in defence of the Parliament.

The Commons appointed a committee to sit within the precinct of London, protected by a strong guard of citizens, to decide finally upon the remonstrances and reports prepared by other sub-committees. Charles, however, persisted in the course upon which he had entered; and on the following day, a proclamation was drawn up, directing the apprehension of the five members. The Lord Keeper, Sir Edward Littleton, refused to seal this proclamation; consequently, it was pasted up at Whitehall-gate, but went no further, being a few days afterwards suppressed by order of the Parliament, upon pain of death.†

Charles soon discovered the magnitude of the error he had committed, and in more than one written message, confessed to the House of Commons that it

* Rushworth's Collections, V. 477; Clarendon's History of the Rebellion, I. 281; Autobiography, 46; Life of Selden, 270.

† Harleian MSS. 4931, 67 d.

was "a mistake," and offered to make such reparation as was in his power, by recognising their privileges, so that there could be no similar unintentional transgression in future.* But this repentance came too late; and the King bitterly felt, as Hacket quaintly observes, "that he had been too forward to threaten others with the sword of justice, when he himself wanted the buckler of safety."

The first instigator of the outrage was Lord Digby, who "often thought difficult things very easy, and considered not possible consequences, when the proposition administered somewhat that was delightful to his fancy, by pursuing whereof he imagined he should reap some glory to himself, of which he was immoderately ambitious." † The King, of all men living, was most unfit to have an adviser of such a temperament, for Charles was "easily inclined to sudden enterprises, and was as easily startled when they were entered upon." By what arguments Lord Digby prevailed with the King, it is now useless to enquire; but it is not improbable, that after magnifying the strength of the royal party in Scotland, Ireland, and the City, by observing, and with truth, that all sober men were growing weary of such endless innovations, and that the members ("three parts of four" of whom were absent when the bishops were committed) "abhorred the proceedings;" ‡ he added, that thus sustained, nothing more was required than by a *coup d'état* to deprive the Reform party in the House of their leaders, and that then the game would again be in the King's hands.

This plan, we think, did not come upon Charles as a

* Husband's Collection, 56, &c. † Clarendon, I. 271. ‡ Ibid. 279.

startling new device, for there is some evidence that the impeachment of the Parliamentary leaders had been in agitation before the King's last journey to Scotland, and that whilst there, he had been sedulous to acquire inculpatory evidence against them. Digby, however, did not rely upon his own unaided powers of persuasion, powerful as they were; but he had previously communicated his plan to the Queen, and gained her advocacy in its favour. If she had not interfered, it is not certain that Digby would have prevailed with the King; for we are told that Charles was wavering on the threshold of resolve, but was at length induced to make the plunge during a consultation in which the Queen employed this mingled reproach and menace—"Go, poltron! pull these rogues out by the ears, or see my face no more." * Though the King had hesitated, yet he appears before leaving the Queen to have been convinced of the good policy of the measure, for when parting from her he said, "that he was going to be the master, and that he hoped within an hour to return with more power than he possessed when now leaving her." The Queen had the same conviction, for when the hour had expired and Charles had not yet come back, she turned to the Countess of Carlisle, (who had frustrated the intended arrest) and said—"Rejoice, for by this time, I trust, the King is master in his own state."†

By this one rash act, were all the efforts of months rendered unavailing, and all the provisions of his most

* Memoirs de Madame de Motteville, I. 271. Sir Arthur Hasselrigg, one of the five members, made a confirmatory statement in the House of Commons. *Burton's Diary*, III. 93.

† Memoirs de Madame de Motteville, I. 271.

judicious advisers made of no effect. Every favourable opinion setting in for the King was reversed, and every adherent was weakened in his allegiance. Lords Essex and Holland, his Lord Chamberlain and his Groom of the Stole, refused to obey his mandate to attend upon him, "choosing rather to obey his writ whereby they were called to assist in Parliament about the highest affairs of England, than to obey his private command to come and attend at Hampton Court, alleging in excuse that their attendance in Parliament was truer service to him, as King, than any other could be."* Even Falkland, Culpepper, and Hyde, hesitated before they determined to continue in his service: the last-named statesman tells us that "they were so much displeased and dejected, that they were inclined never more to take upon them the care of anything to be transacted in the House; finding that they could not avoid being looked upon as the authors of those counsels to which they were such absolute strangers, and which they so perfectly detested. In truth, they had then withdrawn themselves from appearing after in the House, but upon the abstracted consideration of their duty and conscience, and the present ill condition the King was in."†

* May's History of the Parliament, II. 41. "For this the King, presently after, sent a messenger to demand the staff of the one, and the key of the other, being the ensigns of their offices, which they willingly resigned." It was by order of the House of Lords that they disobeyed the King's mandate; but it is probable that they courted the order.—*Ibid.* II. 47.

† Clarendon, I. 284.

CHAPTER IX.

The King deserted—Lord Digby's Proposal—Five members return triumphantly to Westminster—Charles leaves Whitehall previously—Consequences of his withdrawal—London Corporation and House of Peers still in favour of the King—He retires to Windsor—Lord Keeper refuses to give up the Great Seal — Selden desired as his successor — Skippon made Major General of City Militia—Lord Digby and Lunsford at Kingston—The Trained Bands of Sussex, Hampshire, and other counties called out—Letters from Mr. Stockdale—Order of the Parliament about the Magazine at York—Petitions to the King and Parliament resolved upon—Parliament change Commanders of Trained Bands—Sir Thomas Fairfax in Yorkshire —Collection of Poll-money—Scotch Parliament offer to mediate between the King and the Parliament—Parliament propose to remove the Bishops from Parliament, and to have the ordering of the Militia—The Queen and Princess Mary journey towards Holland—The King parts from them at Dover—He consents to the exclusion of the Bishops from Parliament—Sir John Culpepper persuades him—Opinions on that measure—The Parliament's urgency relative to the Militia—The King's firm rejection of their applications—Ordinance relative to Lord Lieutenants—The Parliament give a list—King returns to Theobalds—Parliament threaten to act without his consent—Sir John Conyers succeeds Sir John Biron as Lieutenant of the Tower—The King remains firm—The Declaration by the Parliament—Interview between the King and the Earls of Holland and Pembroke—His asperity, and final resolve not to assent to their proposals—His answer to the Parliament—His warning that no one should obey the Parliament's Ordinances — Consequent resolutions of Parliament — Supreme power assumed by them—Country sides with the Parliament—Letters from Mr. Stockdale—Yorkshire Petitions to the King and the Parliament—The Protestation taken—Derelove and the Knaresborough Election—Calling out Yorkshire Trained Bands—Copy of the Petition—Signatures and accompanying offer—Letter from Sir Edward Osborne—Objects to the Petition—Letter from Mr. Stockdale—Petition misunderstood—Riot about removing superstitious pictures — Colours of the two parties—Search for Priests and Arms—A Counter-petition proposed—Commission to raise money for Ireland—Regret at the disagreement between the King and the Parliament—King expected in Yorkshire—Proposed publication relative to Trained Bands—Members taking the Protestation—Expected new election for Knaresborough.

THE King was now without a single effective resource ;

the people of the City were against him;* petitions were flowing in a similar adverse spirit; "it cannot be expressed how great a change there appeared in the countenance and minds of all sorts of people in town and country;"† his friends who still clung to him were disheartened. He must have been even without the support of self-respect, for he knew that he had condescended to prevaricate in his promise to the Commons; and he had acted deceitfully and unfairly to

* When the King found that the five members had escaped, and that they had sought for protection by withdrawing into the City, he resolved at once to apply to the civic authorities for their arrest. The house in Coleman Street, where the five members were lodging was well known; and Lord Digby offered to head a party to drag them thence, alive, if possible, but dead, if the resistance needed. Charles declined this violent course, but went into the City, on the 5th of January, with no other escort than his usual attendants. No tumult accompanied his progress; but there were some cries of "Privileges of Parliament;" and "one Henry Walker, an ironmonger and pamphlet-writer," more daring and violent than his fellow-citizens, "threw into his Majesty's coach a paper wherein was written 'To your tents, O, Israel!'"—*Rushworth*, V. 479. Lilly says it was a recent sermon, of which that was the text; and that some cried, "Sir, let us have our just liberties, we desire no more;" to which the King replied, "You shall." At the Guildhall, Charles asked of the Common Council "their loving assistance, that they (the five members) might be brought to a legal trial." Of the reply we have no report; but Mr. Lilly says, more significantly than elegantly, "*Mum* only could he get there."—*Observations on Charles*, &c., *Maseres' Tracts*, I. 172. However, he was "royally feasted" by one of the sheriffs. The Lord Mayor, returning from attendance upon his Majesty, as far as Temple Bar, after the feasting had ended, "was set upon by some rude persons, being plucked from his horse, and forced to go home on foot."—*Nalson*, II. 822. The City authorities certainly refused to aid in seizing the five members, and how entirely they condemned the King's conduct is shown by the Petition they presented to him a few days after, and by the triumphant cavalcade they formed for escorting those members back to Westminster. There is ground for believing that though Charles declined Digby's offer to seize the five members, yet that he had at one time resolved upon that or some other violent course, for in a letter to him from the Queen is this sentence:—"You see what has happened from not having followed your first resolutions, when you declared the five members traitors; let that serve you for an example; dally no longer with consultations, but proceed to action."—*Harl. MSS.* 7379.

† Clarendon, I. 296.

his most responsible advisers. At that time, he can have hardly dared to enquire of his own heart—"Whom have I any right to ask to confide in me?"

In that hour of humiliation and merited defeat, deserted by so many, and self-condemned, there is no cause for wonder that Charles shrank from even being within ear-shot of the triumphant return to Westminster of the five members.

On the 11th of January, "they were brought into the House of Commons with as much triumph as could be expressed. Several companies of Trained Bands marched to the Parliament to assist, if need were. There were upon the Thames I know not how many barges full of sailors," (we are quoting the words of an eye-witness), "having some guns ready charged; and these also came in multitudes to serve the Parliament. A word dropped out of the King's mouth a little before, which lost him the love of the seamen. Some person being in conference with his Majesty, acquainted him that he was lost in the affection of the seamen, for they intended to petition the House, &c. 'I wonder,' quoth the King, 'how I have lost the affection of these water rats!'" *

More particulars of this great civic demonstration in the favour of the Parliament is contained in another contemporary authority, from which, however, we will make only the following extract:—"The City, and people in the adjacent parts, are so much moved in this business, fearing some sudden execution may be done upon the Parliament (both the House of Peers, and House of

* Lilly's Observations, &c.; Masere's Tracts, &c. I. 173. Lilly gives the date, erroneously, as being, January 10th.

Commons, and the Lords of the Privy Council, having declared that this act of his Majesty is without their advice, and against the privileges of Parliament), that they yesterday declared, that eight companies of the Trained Bands, with eight pieces of ordnance, and divers horsemen mounted, shall guard the Committee of the House of Peers and Commons, from Grocers' Hall in London, to Westminster; and the sea captains, masters of ships, and mariners, with small barges, and long boats, sufficiently manned and armed with murderers' rablets, faulchion and minion, with musket and half-pikes, to the number of 2000 persons, have engaged themselves to guard the Parliament by water. The Trained Bands in Southwark have offered themselves to secure all the other side of the water; and the apprentices tendered their services to attend the Parliament to the number of 10,000, with warlike weapons, but those the Parliament enjoined to stay at home; and lastly, the watermen tendered their barges for more safety to carry the Parliament-men by water; all which, to the great admiration of beholders, was put in execution this day." *

"This present Monday, the 10th of January, about three of the clock in the afternoon," says Rushworth, "the King, with the Queen, with their royal offspring, and the whole Court, left Whitehall. His Majesty being in his coach, called the captain of the guard of Trained Bands that attended, and said—'I thank you for your attendance, and for what you have done, and do now dismiss you.' So his Majesty went to Hampton Court."† This withdrawal was on the eve of the day, or "that

* Nalson, II. 831.

† Rushworth, V. 484.

great festival," as Clarendon describes it, on which the Parliament recommenced its sittings at Westminster. The Earl of Monmouth in the House of Peers, and others elsewhere, ascribed the departure of the Court to a just apprehension for their safety; but Charles himself says—"I stayed at Whitehall until I was driven away by shame more than fear, to see the barbarous rudeness of those tumults, who resolved they would take the boldness to demand anything, and not leave either myself or the Members of Parliament the liberty of our reason and conscience." * Whether fear, or shame, or chagrin was the motive prompting Charles thus to retire from Whitehall, is of comparatively trivial importance; but it is of more and melancholy interest to remember that he never returned to that palace until the scaffold for his execution was before its windows!

The King's withdrawal was pregnant with important consequences; it followed immediately upon his defeat in an attempt to commit the greatest outrage ever offered by a King of England against the House of Commons; an armed outrage, announcing that violence would even be resorted to when considered likely to be effectual; an outrage committed regardless of promises of protection, the remembrance of which was not weakened by even the intervention of a day. That armed attempt had failed, and now to withdraw, and to make circuits about London, when the shorter passage was to be found through its streets, looked much like the retreat of a foiled enemy, who could not forgive the defeat, but meditated another assault.

* Eikon Basilike, Cap. VI. A chapter of admirable principles, approved by the King, but forgotten by him in practice.

Clarendon says that those who wished the King best did not regret the King's withdrawal from Whitehall;* but to have remained would have been beyond doubt more wise, firm, and dignified. If Charles had evidence which inculpated the five members whom he had denounced, although he had committed a grievous outrage in the opening proceedings, he should not have abandoned the prosecution altogether. While he confessed his error, he ought to have maintained his ground, and not to have been pusillanimous as well as rash. If he had done so, time, as we have before observed, would have proved his friend. What he yielded should have been done graciously; what he maintained should have been firmly maintained; and then respect for monarchy, the political feeling ever predominant in these realms, and the weakening influences ever incident to a course of reform, would have silently but surely re-established his cause. The most respectable portion of the City was still with him, so was a majority of the House of Peers, and the state of parties in the Commons had been shown by the last important division. "I know," says Sir Edward Walker, "that the then Lord Mayor, most of the Aldermen, and eighteen of the twenty-four companies of the City would have been at the King's devotion; and so all the wiser and nobler part of the gentry then about London."† And Clarendon remarks, that "the House of Peers was then well disposed, and might have been managed with a little patience to have blasted all the extravagances of the Commons."‡ But

* Clarendon, I. 297.

† Walker's Historical Discourses, 274. This author was Secretary of War to the King.

‡ Clarendon, I. 305.

it had been otherwise decreed. The King withdrew further and further from the Parliament; each day added to the distrustful and defensive position assumed by both parties, and an appeal to arms finally yet gradually became inevitable. Many were the *loci pœnitentiæ* which occurred, but the King had so often deceived them that at length he could not expect to be trusted; yet we shall see that same infirmity of purpose and deficiency of candour continued his besetting errors, until the time arrived when honour the most unspotted, and decision the most immoveable, could have brought to him no safety.

On the 12th of January, the King proceeded to Windsor, "where he could be more secure from any sudden popular attempt;" yet even here, petitions from Buckinghamshire and other counties, all in favour of the Parliament and the five members, were presented, "several every day." * At Windsor, Charles remained nearly a month, but not inactive, for he was endeavouring by various modes to draw to himself some of the more moderate of his opponents.

Displeased at the Lord Keeper, Littleton, for refusing to affix the great seal to the Proclamation for the apprehension of the five members—a refusal which, coupled with other demonstrations, showed a fearfulness to support the royal government, the King was resolved on taking from him the seals, and on offering them to Mr. Selden. This negociation did not escape

* Clarendon, I. 302. Only a few of the freeholders proceeded to Windsor with the Buckinghamshire Petition; but four thousand of them on horseback, each with a copy of "The Protestation" in his hat, came in procession to the Houses of Parliament.

the notice of the House of Commons, and as the best check to his acquiescence, a peremptory order was issued on the 4th of February, commanding Mr. Selden to attend within three days, at furthest, and to continue his service at the House.*

Meanwhile, the Parliament was still more active. The Attorney General was impeached for acting "contrary to his oath and duty," in the case against the five members, but as it speedily appeared that he had been guilty of no offence cognisable by the law, the House of Commons resolved that he should be incapable of being "a member, assistant, or pleader in either House of Parliament, and of all offices except that of Attorney General," and that he should be imprisoned in the Fleet during the pleasure of the House.† A guard of the City Trained Bands to attend upon the Parliament, under the command of the Earl of Lindsay, "as being most proper for him in respect of his office of Lord Great Chamberlain," was granted by the King; but the Commons, not satisfied with this, ordered that two companies of those bands should attend every day, under the command of Serjeant Major Skippon.‡

This was the first interference of the House of

* Journals of the House of Commons, II. 955. † Rushworth, V. 468.

‡ Ibid. 469. Clarendon says that this was an "office never before heard of." Philip Skippon, by long and meritorious service in Holland, had raised himself from the ranks to the command of a company. Returning to England, his friends obtained for him the captaincy of the Artillery Garden; and he was now promoted to be Major General of the City Militia. Even Clarendon says that he was "a good officer; a man of order and sobriety, and untainted with vice," yet illiterate, and prejudiced against the Church.—*Clarendon's History*, I. 298. Ricraft says that Skippon encountered the enemy in field and garrison one hundred and twenty-five times, and never turned his back to the adverse party." —*England's Champions*, 59.

Commons, unsanctioned by the King, with the military power of England, and it was speedily followed by other orders for the disposal of the provincial troops, so soon as they received the information of Lord Digby and Colonel Lunsford, having appeared in arms (January 12th) at Kingston. This rash demonstration, and Lord Digby's flight to the continent, have been already noticed, but we may add, that abundant evidence from various sources exists that the gathering at Kingston was an actual attempt to make a military diversion in favour of the King.

Lord Digby, in his "Apology," acknowledges that "many soldiers and commanders" were assembled at Kingston, and that he went to them by the King's command, "with some expressions of his Majesty's good acceptance of their services." It may be that he went from Windsor to Kingston "in a coach with six hired horses," and that he delivered the King's message to but "forty or fifty gentlemen," but hundreds more were in the town and mustered, over whom those "forty or fifty" had command;* and though Lord Digby went to the rendezvous in a coach, yet, when there, he was "on horseback with pistols."† Ammunition was conveyed thither, as well as to Windsor and Portsmouth. The governor of the latter, Colonel Goring, although hitherto a supporter of the Parliament, had been gained over to the royalist party; and as Hull was the arsenal of the northern counties, and contained arms for 16,000 men, both Houses of Parliament now united (January 12th) to direct "that some of the Trained Bands of Yorkshire,

* Nalson, II. 865.

† Rushworth, V. 469.

nearest to the town of Hull, should be put into the said town, under the command of Sir John Hotham, and that he should not deliver it up, or the magazine, or any part thereof, without the King's authority, signified by the Lords and Commons in Parliament." The son of Sir John Hotham was requested immediately to convey this order to his father, and he accepted the office with a declaration, that "fall back, or fall edge," he would execute the commission. It was an unstable alacrity, however, for he died on the scaffold a betrayer both of the Parliament and of the King.

The summoning of the Trained Bands to arms was extended to those of Sussex and Hampshire, in order to cut off from Portsmouth any further supply of ammunition. The Governor was directed not to deliver up the town or to receive reinforcements, unless by the King's authority, sanctioned by Parliament; a similar order was sent to the authorities at the Tower; some cavalry saddles which had been directed to be sent to Kingston, were seized by order of the Parliament; scouts were posted around London; * other magazines were in a like manner commanded to be guarded; and the Bands of Yorkshire generally were to be called out, as noticed in the following letters:—

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

I CAME to York yesterday to give meeting to the Sheriff and Justices of Peace, to advise upon the order of Parliament, dated 13th January. The result

* Rushworth, V. 495—7, &c.

of which consultation is, that Captain Frankland's foot company shall be set as a guard to preserve the magazine at the Manor from surprise; the guard to be ordered and paid by the Sheriff for fourteen days, until the Parliament send order how the pay shall be raised for their entertainment; and the key of the magazine to be left nevertheless in Mr. Elmhirst's custody till further resolution:

That the Lord Lieutenant be moved to send commissions to Colonels and Captains of the Trained Bands, to enable them to raise and exercise their men weekly; and in the mean time, that in every constabulary strong watches be kept, day and night, to examine such suspected persons as pass there:

And that every trained soldier be provided of two pounds of powder, with match and bullets proportionable, against the coming down of the commissions to their captains; and to be in readiness sooner, if occasion be:

And that the head constables shall command every recusant not to travel from his own house, further than by the statute he is limited; and the next Justice of Peace, with other assistance, to search in every recusant house, where there is extraordinary resort of company, and to seize the arms they find:

And besides these particulars, we have fallen into consideration to write letters to the Knights of the Shire, to have these matters speedily moved, and order upon them returned to the country:

And we have resolved upon petitions to the King and Parliament, giving thanks for graces already obtained, and declaring our concurrence in desires with the

Parliament, and beseeching the King to hearken to that great council, and repose upon them wholly in ordering the affairs of the Commonwealth, and reforming the discipline and government in the Church. In these petitions, some few of the gentlemen seemed unwilling, yet not many of them, in my opinion.

Yet I see that it is not only recusants that we may fear; and it seems the Parliament is sensible of it, for I am told that many of the commanders of Trained Bands are put out, which is no improvident course in these distempered times.

And now also I hear that Hull is secured, after some interpositions, in which act I think the greatest and most imminent danger of these parts is put out of hazard.

Touching Robin Benson's boldness, in issuing an order for bailing of Warwick, contrary to the vote of every Justice present at the sessions, I am confident he did it, though to your lordship it may seem incredible, and use may be made of it when your lordship sees it opportune.

I have sent answer to Sir William Constable, touching the petition against William Derelove: I intend it shall be with him the next post, if not sooner. I could not attend it altogether myself, because of my resort to York about this business of the country, so I left it with Richard Rodes, who promiseth to get me more hands to it, for I only moved half a dozen principal men that signed it.

Here is Tom Parker, that was William Derelove's man at London; he came home on Tuesday last; he says his master is not yet admitted into the House, but

he hopes every day to be received, and that thirty-two more are kept out as well as he is. I had a private advertisement that William Derelove doth not in this business altogether follow the advice of his friends upon whom he most reposeth in other occasions; because, he hopes to get into the House by help of the contrary faction, out of which phrase something may be gathered, that he either is a great politician, or else he is notably deluded.

The new order of the House for apprehending Benson and his sons that rescued him, it seems excuseth his wife, in favour of her sex, which is a most noble consideration; but if they knew what monstrous, rather than masculine, acts she hath heretofore performed, in the like rescues of the same person, they would have punished her the rather for this. Yet, truly I think it is punishment enough to separate them, for it is partly her pride and wicked disposition that misguides him in many particulars, and caused him to set up her son to be burgess.

I perceive the countenance of the Parliament, by God's blessing that accompanies their actions, doth begin to restore life to the Protestant party in Ireland; and if the King were firmly united to the House, and would be guided by their counsels only, we have as much as we could expect; and this, time will bring to pass; in the mean season, all men must labour with patience. I should be glad to see the countenance of affairs in this season, and to make tender of my service to your lordship, which I hope my health will give me leave to perform this spring; but yet the weather is too terrible for me to adventure upon.

I must beseech your lordship's excuse that I make too abrupt relation of some things in this paper, which my time will not admit me to enlarge, for I staid so late with the Sheriff, as I had scarce time for thus much; though I think no time better employed than that wherein I may declare myself

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

28*th January*, 1641. (N. S. 1642.)

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

AMONGST other matters contained in the despatch sent up by Mr. Henry Bethell, your lordship will observe that, in the letter to yourself and Mr. Bellasis, we have begun to touch (though lightly) upon that point which I formerly propounded; for we desire that, in regard these expenses for guard of the magazine fall upon the country, through the danger threatened by the recusant party, the charge may be borne out of their legal fines. In time the proposition will ripen to ampler demands, as occasions do increase, of which there is too much appearance already, and they likely to swell greater every day, if this distance continues between the King and his people; which I doubt will discover that the malignant party is not confined within the bounds and number of the recusants.

Your lordship may peradventure observe in our resolutions sent to you and Mr. Bellasis, that we have not kept ourselves strictly within the compass of the letter of the

law; for where sudden insurrections are to be prevented, there I conceived that *Salus populi suprema lex;* and the large compass of the order of Parliament seems not to intend a narrow limitation of form. I hope my cousin Bethell will bring order to enlarge the former authority, which some scrupulous men are apt to boggle at; and then I hope the gentlemen, and all the country generally, that stand well-affected, will join in resolution for the public safety: yet in this assembly of the Justices I observed not one of the East Riding to resort unto it.

I inquired of the Sheriff what warrant he had to put this order of Parliament in execution, and he answered, a direction from the Knights of the Shire. I pressed no further to have it shown, lest the work which is good and necessary might have been impeded by some who might desire to check at any occasion, and dissect it. I only in private showed Sir Thomas Fairfax, your son, what your lordship had imparted to me.

On Monday last, Stamford, the messenger, came to apprehend Henry Benson and his sons, but failed in his attempt; for they had warning of his coming, both by their servant Tom Parker, who lay at York to watch when the messenger should come there, and also, as report goes, from Mr. Robert Trapps and Mrs. Plumpton. And though I think the messenger needs not much care for missing of them, because his fees will increase by it, yet to hear how Mrs. Benson (who feared she had been in the warrant) hid herself in William Barroby's hogsty, and what hard shift old Harry and his two young shifters made to hide themselves from the messenger and his assistants, would make us a pretty comedy. Sir John Goodrick assisted Stamford in the search; for I was

surprised that day with an extreme fit of sickness, which, upon contraction of cold, often seizes on me, and holds me for twenty-four hours together.

Upon Wednesday we met about review of the poll. The constables and assessors for the most part came in; but generally they returned in writing that they could not increase their former assessment: and I hear that business is so carried in other places as it is with us, where I think there will be scarce 20*l.* gotten by all our labour. They generally exclaim for want of their billet-money, and grudge that they should be creditors for so much more than any other part of the kingdom, which, if it can be redressed, will be a most acceptable work to the whole country. The estreat of the poll-money shall shortly be drawn up, and sent to your lordship and Mr. Bellasis, in such manner as we can agree upon it, when we meet at York the next week.

I have, by consent of the Sheriff and Justices, framed a petition in the name of the country to the King, and this day I send it to the Sheriff to peruse. I have done my endeavour so to couch our desires in moderate terms, as none may check at the matter. The next Thursday we appointed to meet at York to sign it.

I am constrained to inclose this to Sir William Constable, with the petition about Derelove, because I have forgot where his lodging is, and I presume your lordship will see him every day. The rest tenders my due observances to your lordship, and I am,

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

4th February, 1641. (N.S. 1642.)

The breach was manifestly becoming so absolute between the King and the English Parliament, that the Parliament of Scotland, "considering the mutual interest of the kingdoms in the welfare and prosperity of each other," offered to interfere as mediator. Charles reproved the Scotch for this offer, whilst the Parliament thanked them, and for the obvious reason, that in the very phraseology of their letters, they intimated an opinion that the King was in error, by not having "recourse to the sound and faithful advice of the Houses of Parliament." *

The mediation was declined, and each party proceeded in the course they considered most conducive to their own advantage in the impending struggle. But two exclusive sources of strength remained to the King, the votes of a majority of the House of Peers, and the prerogative of summoning forth in case of need the Trained Bands of each county; and against both these advantages the House of Commons now addressed their efforts. They had reduced to a certain extent the King's influence in the Peers, by committing some of the bishops to close custody, yet that did not necessarily diminish the votes in the King's favour, for they had the power of appointing proxies; but though the King had the prerogative of calling out the military strength of the kingdom, yet the Parliament had taken upon itself to assume a similar power. It is as impossible to defend the legality of these proceedings, as it is to justify the King's attempt to seize the five members; but events had now reached such a position that each was compelled to adopt the strongest measures for self-

* Rushworth, V. 498.

support. Selden observed at the time that, "the King and the Parliament now falling out, are just as when there is foul play offered amongst gamesters; one snatches the other's stake; they seize what they can of one another's. It is not to be asked whether it belongs not to the King to do this or that: before, when there was fair play, it did. But now they will do what is most convenient for their own safety." *

To weaken the remnants of the King's exclusive power, two bills, or rather a bill and petition were introduced, one for removing altogether the bishops from the House of Peers, and the other for placing the command of the militia in the hands of such persons as might be recommended by both Houses of Parliament.†

The King resolved, as indeed most men believed he intended, to reject both those propositions; and it was foreseen, that in such an event an open rupture would be the result. To provide for warfare that then would be imminent, and even now seemed unavoidable, the Queen, under the excuse of her anxiety to accompany the Princess Mary to her husband in Holland, prepared to leave England. The Court left Windsor for that purpose on the 9th of February, and journeying through Greenwich, but avoiding London, they reached Dover on the 16th, and on the 23rd, she embarked for Holland. It is in such domestic passages as these, that Charles appears to most advantage. The King and Queen parted in tears, and Charles continued on the shore, "nor ceased to gaze upon her until the distance withdrew her from his sight."‡

* Selden's Table Talk: The King.

† Clarendon's Autobiography, 50; Rushworth, V. 517.

‡ Père Cyprien's Mission in England.

The King was now left alone, for where was there another being who loved him? He had still some faithful servants, but he had deserted them too often to feel that they ought to confide in him, and as the Queen was almost the only one of whose affection he was assured, so was she the only adviser who was energetic, and to whom he confided all his thoughts and purposes.

Sir John Culpepper was the only one of the King's ministers who advised him to pass the bill for excluding the bishops from Parliament. Charles asked him, as usual, "whether Ned Hyde was of that mind?" and being answered in the negative, but that it could not be a reasonable judgment, he replied, "It is mine; and I will run the hazard." Again, however, was he infirm of purpose, for Culpepper had told the Queen that if the King did not give his assent to that bill, he exceedingly apprehended that her journey would be prevented. This, with other arguments, prevailed; for rather than that she should be staid from proceeding to Holland with the Crown-jewels, which she was secretly conveying with her, "she gave not over her importunity with the King, until she had prevailed with him; and so the bill for removing the bishops out of the House of Peers was passed by commission, when both their Majesties where upon their journey to Dover."* It was a popular measure, for Hackett says, "they fell to bells and bonfires, and profaning God's name, saying that 'He had heard them,' whose glory was not in

* Clarendon's Autobiography, 51. Consent was given by the Commissioners, on the 14th of February, when their Majesties were at Canterbury. The bill was comprehensive, and entitled "An act for disenabling all persons in Holy Orders to exercise any temporal authority or jurisdiction."—*Rushworth*, V. 553.

their thoughts, from the beginning to the end." The Archbishop of York, then in the Tower, was right in saying, that "The King had sacrificed the clergy to this Parliament,"* and like all other sacrifices to expediency, it failed of securing the object in view. Culpepper said it would pacify the Commons, but it served only to make some of them more urgent for the Militia to be placed at their disposal; those who loved the Church were provoked to see it thus struck away from being one of the three Parliamentary Estates; others thought bishops no longer "worth any notable contention;" and "all men" noticed that it was another demonstration, that though the King declared his conscience would not let him consent, yet "he would not be constant in retaining and denying anything which should be impetuously and fiercely demanded."†

The House of Commons acted upon this belief in pressing for the King's consent to give them a controlling power over the Militia. Upon no other measure had they been so urgent, and upon no other was Charles so immoveable. They first asked for it, as "a sure ground of safety and confidence," on the 26th of January, whilst the Court was at Windsor; but within two days Charles replied, that he should "reserve to himself so principal and inseparable a flower of his Crown." On the 2nd of February the Houses united in repeating the petition, on the ground that they might "with more comfort and security accomplish their duties." To this the King replied, that if the Houses would suggest the names of those whom they wished to recommend, he would be content to appoint them, "unless such persons

* Hackett's Life of Williams, II. 181. † Clarendon's Autobiography, 52.

should be named against whom he had just and unquestionable exception."*

In accordance with this proposal, the Houses of Parliament, on the 11th of February, prepared "An Ordinance for the ordering of the Militia in England and Wales," and added a list of those noblemen and gentlemen in each county to whom they wished the Lord Lieutenancy and the command of the Trained Bands to be entrusted. That ordinance, which was in the form of a commission to each Lord Lieutenant, made him responsible only "to the Lords and Commons in a parliamentary way." The King declined to give an immediate answer to this, on the somewhat extraordinary ground that his Queen and daughter were departing to Holland; and the Parliament replied, on the 22nd of the same month, that this was "as unsatisfactory and destructive as an absolute denial." On the 28th, the King having returned to Theobalds without passing through London, and the Queen having sailed, answered, that he had no objection to agree to the list of the noblemen and gentlemen proposed, but that he could not consent to divest himself of the power of removing them, and appointing others in their place. This brought the negociation to an issue; for on the following day, March the 1st, the Houses of Parliament informed the King, that it being a "time of imminent

* At the time the King returned this answer, he removed Sir John Biron from being Lieutenant of the Tower, and placed Sir John Conyers in that office. This was done in accordance with the request of the Parliament, "to satisfy the fears of the people." Sir John Biron had been increasing the ammunition and stores of the Tower, and had refused at first to appear before the two Houses of Parliament in obedience to their order. This had occasioned some of the chief City merchants to express a fear relative to depositing, as usual, their bullion in the Tower.—*Nalson*, II. 835—881.

and approaching ruin," (for they were well informed of the Queen's purpose in visiting Holland, and with the King's design to withdraw into the north,) they should be obliged, if he did not assent, "to dispose of the Militia by the authority of both Houses, in such manner as had been propounded to him, and they had resolved to do it accordingly."* On the next day Charles replied, "I shall not alter my answer in any point;" and on the 5th, the two Houses of Parliament in their own names, without mentioning the King, adopted the Ordinance, and named the Lord Lieutenants. This was communicated to the King on the 9th, with a declaration of the causes which led them to conclude that there were "symptoms of a disposition of raising arms, and dividing the people by a civil war." Among these causes were the facts, that several negociations between the Court and some of the papal powers were being carried on; that the leaders of the Irish rebels had declared, that after they had settled Ireland they would "recover unto his Majesty his royal prerogative, wrested from him by the Puritan faction in the Houses of Parliament in England," and that the Irish rebel force was called "the Queen's army." The two Houses of Parliament also alluded to "the manifold attempts to provoke the late army, and the army of the Scots, and to raise a faction in the City of London, and other parts of the kingdom;' the armed outrage against the five members; Goring's Plot; the assistance afforded by the King to the escape of Mr. Jermyn and others of the conspirators;† the

* Rushworth, V. 516—523. The Parliament resolved, at the same time, "That the kingdom be put into a posture of defence."

† There is no doubt of the endeavour of the Court to bring up the army against

army petition, delivered to Captain Leg, and sanctioned by his Majesty; and Lord Digby's appearing in arms, and the King's warrant to Admiral Pennington for landing him beyond sea after the Peers had summoned him to appear. Having enumerated these and various other causes of their "jealousies and fears," the Parliament concluded with a petition to Charles, that he would "put from him those wicked and mischievous counsellors who had caused all those dangers and distractions; and to continue his own residence and that of the Prince near London and the Parliament."

The Earls of Holland and Pembroke, "with some members of the House of Commons,"* were deputed to present this declaration to the King at Newmarket, where they arrived on the 9th. It was read to his Majesty by Lord Holland. With more than usual excitement, and less than his usual courtesy, Charles declared, that the statement relative to Mr. Jermyn was "false," and upon its being repeated, he exclaimed still more emphatically, "It is a lie."

When the reading was concluded, the King remarked, as he received the paper, "I could not have believed the Parliament would have sent me such a declaration, if I had not seen it brought by such persons of honour. I am sorry for the Parliament, but glad I have it, for by that I

the Parliament. The particulars have been detailed already; but in addition may be added, that some years subsequently, one of the members reminded the House of Commons that "young Lord Goring came to the bar, and said, 'The Queen sent for me into the King's lodging, and asked me, "Are you concerned in that Cabal?" "No," said I. "Then go, join (said the Queen) with Jermyn and Percy, and bring up the army against the Parliament." "—*Burton's Diary*, III. 206.

* May's History of the Parliament, 34.

doubt not to satisfy my people ; though I am confident the greater part is so already. You speak of ill counsels, but I am confident the Parliament hath had worse informations." After a pause, the King asking, "What have I denied the Parliament ?" Lord Holland instanced the refusal of power over the Militia. Charles replied, "That was no bill;" and upon the Earl adding, "It was a necessary request at this time," his Majesty retorted, "I have not denied it. As concerning the grounds of your fears and jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world. God in His good time will, I hope, discover the secrets and bottoms of all plots and treasons ; and then I shall stand right in the eyes of my people. In the mean time, I must tell you, that I rather expected a vindication for the imputation laid on me in Master Pym's speech, than that any more general rumours and discourses should get credit with you. For my fears and doubts, I did not think they should have been thought so groundless or trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remembered unpunished, and uninquired into. I still confess my fears, and call God to witness, that they are greater for the true Protestant profession, my people and laws, than for my own rights or safety ; though I must tell you, I conceive that none of these are free from danger. What would you have ? Have I violated your laws ? Have I denied to pass any bill for the ease and security of my subjects ? I do not ask you, what you have done for me.

"Have any of my people been transported with fears and apprehensions ? I have offered as free and general

a pardon as yourselves can devise. All this considered, there is a judgment from Heaven upon this nation if these distractions continue. God so deal with me and mine, as all my thoughts and intentions are upright for the maintenance of the true Protestant profession, and for the observation and preservation of the laws of this land, and I hope God will bless and assist those laws for my preservation." *

The King then dismissed the two noblemen; and, on their return the day following to receive his answer, the Earl of Holland endeavoured to persuade him to return to the neighbourhood of the Parliament; but to this Charles gave no assent, but only observed—"I would you had given me cause, but I am sure this Declaration is not the way to it: in all Aristotle's Rhetoric there is no such argument of persuasion." The Earl of Pembroke replied, that "the Parliament had humbly besought his Majesty to come near them;" but Charles silenced him with the rejoinder—"I have learned by their Declaration that words are not sufficient."

The Earl of Pembroke was never a favourite with the King, and he had lately taken from him the staff of Lord Chamberlain, and given it to the Earl of Essex; yet the Earl persisted in urging compliance on the King, and Charles became more irate in proportion to the importunity with which it was pressed upon him. The Earl of Holland had read aloud the King's answer, yet Pembroke persisted in asking Charles what he required. "My lord!" was the reply, "I would whip a boy in Westminster School that could not tell that by my

* Rushworth, V. 532.

answer." Pembroke, unabashed, then proposed a medium course, with regard to the Militia, asking, "Whether it might not be granted as was desired by the Parliament, for a time;" but Charles closed all further negociation by exclaiming—"By God! not for an hour! You have asked that of me in this was never asked of any King, and with which I will not trust my wife and children."

If the King's written "answer" had not conveyed a "denial," this verbal one was decided and not to be mistaken; so the two nobles took their leave, the King unadvisedly observing as they withdrew—"The business of Ireland will never be done in the way that you are in. Four hundred will never do that work; it must be put into the hands of one. If I were trusted with it, I would pawn my head to end that work; and though I am a beggar myself, yet, by God, I can find money for that." *

It is needless to make even an abstract of the King's answer, for it offers little more than a particular denial of all the charges of misgovernment brought against him, and a retort upon the Parliament that in their proceedings was discoverable the origin of all the misunderstanding which had arisen between them. Not a word is said about the Militia, but a decided refusal to return to London is given, on the ground that the late tumults sufficiently demonstrated the danger he should run, and, added the King, "until some course be taken for our security, you cannot, with reason, wonder that we intend not to be where we most desire to be." †

Reflection, however, seems to have brought to the King a conviction that he had not sufficiently pro-

* Rushworth, V. 533. † Husband's Collection, 109.

claimed his resolves. He therefore again addressed a message to both the Houses of Parliament, dated from Huntingdon, the 15th of March, and, after stating that he was "now in his remove to his City of York, where he intended to make his residence for some time," and declaring that if the Houses were remiss in their measures for pacifying Ireland, "he should wash his hands before all the world from the least imputation of slackness in that most necessary and pious work," he warned all his subjects that they "cannot be obliged to obey any act, ordinance, or injunction to which the King had not given his consent." He therefore calls upon them not to presume upon any pretence of order or ordinance (to which his Majesty is no party) concerning the Militia, or any other thing, to do or execute what is not warranted by the laws; his Majesty being resolved to keep the laws himself, and to require obedience to them from his subjects."*

The gauntlet was now thrown down, and the Houses of Parliament lost not a day in manifesting to the whole kingdom that they accepted the challenge. On the 16th, they resolved, "*nemine contradicente*," that whoever advised the message from Huntingdon, were "enemies to the peace of the kingdom;" that "the Ordinance of the Lords and Commons in Parliament for the safety and defence of the kingdom is not contrary to the oath of allegiance;" that the commissions of county lieutenancy under the great seal were "illegal and void;" and that any one executing any power over the Militia "without consent of both Houses of Parliament should be accounted a disturber of the peace of the kingdom."

* Husband's Collection, 114; Rushworth, V. 533.

All these declarations were sufficiently stringent, but one more resolution completed, in effect, a deposition of the King, for it declared—"That when the Lords and Commons in Parliament, which is the supreme court of judicature in the kingdom, shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privileges of Parliament." *

The Parliament, therefore, now assumed entirely the supreme power: it could not be dissolved without its own consent; its ordinances, though branded with the King's disavowal, were declared to have the power of laws; and no one was to contravene their interpretation of the laws. Such assumptions of power were totally illegal, and at variance with the constitution, but this was a time when the law of the strongest was to prevail, and, therefore, each party grasped at whatever would confer power, without pausing to enquire whether law or authority sanctioned the effort.

The majority of the country declared in favour of the Parliament and its measures, and even whilst the pen-militant was still waging war as to the right of controlling the military power of the country, petitions from various counties were presented to the two Houses unhesitatingly assigning to them that right. The petition from Yorkshire may serve as an example of others. It was among the earliest and most decisive, and was signed even by the Lord Mayor of York, though it was known at the time that the King intended to make that city his head-quarters.

* Husband's Collection, 112—114; Rushworth, 534.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

I AM now at York with the sheriff and justices of the county, who are assembled in a more frequent meeting than when we met last; and we have now agreed to keep the magazine undivided, and placed it at York, there to be watched by six men; that is, two by day, and four by night; and the command and oversight of them left to such as the sheriff shall appoint; their pay to be raised out of the common lays of the county, by order from the Parliament.

We have also framed and signed three petitions, one to the King, another to the Lords, and a third to the Commons; and we have resolved of a course (if it be allowed and authorised by the Parliament), for ordering of the militia of the county in such manner at this present (till more settled courses be generally provided), as may be useful in suppressing of insurrections: in all which petitions and resolutions, we have declared a full concurrence with the Parliament, in all things. Of these petitions, and result, I need recite no particulars, because the originals are all sent to you by this post, and with them letters to your lordship and Mr. Bellasis, and to the Lord Lieutenant for his furtherance.

The Protestation sent to the sheriff by order of the House is taken by many of us here, and the sheriff hath disposed them by the head constables, to be tendered in each parish. So now, I hope, when you have considered all our expressions, you will place us of Yorkshire

in the front of the well-affected counties, for I imagine that none have made more full declarations than ours; and I think if they be published in print, that all the kingdom may take notice of them: it may encourage others to the like forwardness.

The serjeant's deputy could not find Henry Benson yet; now he is at his own house, and hath sent Tom Derelove on Monday last to London; but John Derelove doth not yet appear. I send your lordship enclosed the copy of an examination taken by me on Wednesday last, at night. * I have not had leisure since to search further into it; yet, I think it will prove a foolish brag of a drunken knave in an alehouse; yet, if your lordship conceive it may lay any just weight upon Henry Benson, or his son, Derelove, who are countenanced and relieved, as I and others do think, by that family of Plumpton, I will carry myself in the pursuit of it, if your lordship shall direct me.

In your lordship's last letter you intended to send me the King's last message, but by some mischance it came not. I am hopeful by the next we shall hear of his Majesty's return to the House, and of his assent to

* *9th February*, 1641.—Richard Norfolke, of Knaresborough, Chandler, being examined upon oath, saith,

"That on Monday, 7th February, 1641, he being at the house of John Bickerdike, in Knaresborough, drinking with a friend, in the presence of the said John Bickerdike and others, they all talking about Henry Benson, of Knaresborough, and his late escapes from the pursuivant sent by the Parliament, for his apprehension: one John Thompson, of Knaresborough (whom this examinant thinks to be a Recusant), servant and carrier to William Rainsford, miller, of Plumpton Mill, being taken amongst the rest, said that there were two pieces of ordnance mounted on the top of Plumpton Tower, towards Knaresborough; and that if Henry Benson should be taken, before he were taken, there would be many a fatherless bairn made in Knaresborough; or words to this effect."

their advice, which is most heartily wished by all good men; and truly, for my part, I think if the Queen were suffered to go with her daughter to Holland for a season, it would be no let to the free passage of business with his Majesty, and especially in the affairs of Ireland, which must now be speedily thought upon, because the spring draws on, and the seas are more easily passable from foreign parts.

I have been told of some expectation of your lordship's speedy coming into the country, where your presence will be welcomed by great numbers that do entirely honour your lordship, in which number I am

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

12*th February*, 1641. (N. S. 1642.)

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

BY the last post I gave your lordship a brief account of the result of our meeting at York, which was enlarged by the original petitions, resolutions, and letters sent by the post to my cousin Bethels to be delivered to your lordship and Mr. Bellasis. Some advice was given to the sheriff on Friday at night, upon which he intended to have staid all the dispatch until some thousands of hands should be obtained to countenance our desires. Whereupon he sent for me again, and I persuaded the present sending them away by that post; lest delay of them might render them less

useful or acceptable: and that the general subscriptions of the multitude should follow to copies of the same petitions; which course is now in hand to be put in execution.

Since my return from York, I drew a warrant to summon the ministers, churchwardens, constables and overseers of the poor in Claro, to come together and take the Protestation. On Monday last I represented it to Sir John Goodrick, who signed it with me, and I hope the country will generally take the Protestation. I also offered to Sir John Goodrick another warrant to be signed by him for the view of arms in Claro; the sheriff and I had signed it at York, but Sir John is unwilling to subscribe it, as fearing to run into præmunire; so that I can proceed no further therein for a while. The copy of that warrant I send inclosed,* and desire your lordship to let me know if there be any such danger, as it seems is suggested to him; and he also fears that the order given by us, commanding watches, with powder, and that to be provided by every trained soldier, is an excess of the authority given us; and that we may incur danger by

* "TO THE HEAD CONSTABLES OF THE WAPENTAKE OF CLARO, AND TO EVERY OF THEM.

"Whereas we have received an order from both Houses of Parliament, for securing the county; and to that end are appointed to call to our assistance the Trained Bands, for suppressing all unlawful assemblies: these are therefore, by virtue of the said order, to command you to give present notice to all the said Trained Bands, both horse and foot, within your wapentake, that they appear before us, or some of his Majesty's Justices of Peace, at , by two of the clock in the forenoon, completely furnished, that we may view the same, and then give them such directions as shall be for the furtherance of the said service. Fail not.

"THOMAS GOWER, VISC.
"THOMAS STOCKDALE.

"*Dated the 6th of February*, 1641."

it; but for my part I conceive the order of Parliament for securing of the county, doth warrant as much as we have yet done, and more if there should be cause. This day we have ordered the constable to search for priests, and the arms of recusants; of the issue I can give your lordship no account at this present.

I send your lordship the copies of two warrants issued by the clerk of the peace in the style of the sessions: both the warrants are denied by all the justices; your lordship may consider of them as your leisure will permit. Warwick is now at liberty upon the first warrant; but his liberty is not the only matter considerable in my conceit; for the boldness of the officer that durst enterprise such a matter is most insufferable. I send your lordship also the substance of some part of a letter from William Derelove to John Bullock, which was taken by the constable and watch at Knaresborough on Friday last; and I being then at York it was carried to be opened by Mr. Rodes the vicar of Knaresborough: by it your lordship may understand something of that man's ways and friends. In pursuance of the letter I hear they are getting hands to a petition to that effect desired by him. The petition is solicited in great privacy by William Conyers; Henry Benson himself being either gone away, or not to be seen at home; and his son Tom Derelove is at London, and John Derelove fled we hear not whither; yet new deputies keep the court, though I am persuaded without sufficient authority, if it were examined; for on Monday last the court was held by John Bullock, who then supplied the place of steward.

We hope this post will bring us the much desired

news of the King's return to the Parliament, of which there appears so urgent necessity, both for settling the distractions of the State, and also for suppressing the bloody papists of Ireland. I had a letter the last week from my brother Dick Parsons now at Chester; wherein he writes, that by general reports, and by the calculation of judicious and knowing men, the papists have murdered and destroyed in Ulster, fifty thousand Protestants, men, women, and children, which is a most horrid cruelty, hardly to be paralleled; and it concerns us all to endeavour the prevention of the like in this kingdom.

I wish unto your lordship much increase of honour and health, and am

Your lordship's faithfully devoted servant,

THOMAS STOCKDALE.

18 *February*, 1641. (N.S. 1642.)

The following is a copy of the Petition :—

TO THE HONOURABLE THE KNIGHTS, CITIZENS, AND BURGESSES ASSEMBLED IN PARLIAMENT.

The humble Petition of the Knights, Gentlemen, Freeholders, and other inhabitants in the County and City of York,

SHOWETH,

THAT your petitioners do with all thankfulness acknowledge and resent the benefit of those good laws which you have already provided for us, as most seasonable and precious fruits of your pious and prudent consultations; as also of that most happy and reunited peace betwixt us and Scotland, our neighbour nation;

and the blessed care you have lately taken, both to relieve our distressed brethren in Ireland, and to put the town of Hull (the chief strength of our county), into such an hand as for his integrity we have good cause to confide in; as also to purge the House of Peers of the prelates' votes (a main obstruction to your happy undertakings); and having received so much refreshment from you in our so important concernments, do take boldness to represent our humble requests:

That your pious care for the further relief of our distressed brethren in Ireland may be continued, and your wise resolutions thereupon put into speedy execution:

That this whole kingdom may speedily be put into a military posture of defence, both by sea and land:

That the composition of recusants (with which his Majesty rests satisfied) being paid, the residue of their lands and goods forfeited by the statute, may be disposed of, as well for the safety of defensible ports and places in this kingdom, as also for settling and maintaining necessary guards over the houses of Papists and popishly affected persons:

That the oaths of allegiance and supremacy may be impartially and speedily tendered to all Papists and popishly affected persons whatsoever, according to the statute in that case provided:

That the laws against priests and Jesuits may be fully executed, and that some present course may be directed for the disarming and confining of Papists to their own houses, or else that some of the principal and most dangerous spirits of them in every county may be, as caution for the peaceable deportment of the rest,

confined to the custody of trusty persons in some places of safety, if to your wisdoms it shall seem meet; and that such may be deputed for these services as are not to be suspected to use any forbearance therein; as also, that such as are convicted recusants, some speedy course may be taken against them, either by the present laws in force, or otherwise, as shall seem best to your wisdoms, that they may not be left so full-handed, and so readily prepared upon all occasions to manage either their own, or the designs of others, to our so imminent and continual danger:

That the votes of popish peers and others coming in by proxy, being so apparent a grievance, may be redressed, which are found not only prejudicial to the wisest results of your consultations, but one which also affords them liberty and opportunity to act and encourage the promoting the popish cause in the kingdom:

And because that to the making of a more successful passage to the accomplishment of all these our so important concernments, it will be especially available, that matters in religion be chiefly regarded: We therefore humbly desire, that all such impediments as may hinder the progress thereof may be removed:

Amongst which we rank, in the first place, scandalous ministers, as also places unprovided of such maintenance as is competent for persons of better endowments; humbly beseeching, that, for the remedy of both these, you will be pleased to pursue your former pious intentions; as also, that ceremonial burdens may be removed, and religion settled in such a way, that such as make all conscience obediently to submit to magistracy and

civil authority in every degree and latitude of it, both supreme and subordinate, may not suffer under any penalty merely and only for conscience' sake:

And forasmuch as these our counties have undergone very great damage by the billeted soldiers, which now they are less able to sustain than before, by reason of the manufacturing trades of our country daily decaying, which we visibly discern, not only tending much to the present impoverishing of a great number of families, whose maintenance and livelihood hath become hitherto wholly supported upon that foundation, which, being not prevented, may prove to be of dangerous consequence, but also to the weakening of the estates of farmers and others, (because the benefit of wools and other commodities of our country, do much depend upon the prospering of these foresaid trades of manufacture): We, therefore, humbly desire, that you would be pleased to direct such course, whereby considerable satisfaction may be made for what rests unpaid, to such of our counties as have been by the said billeted soldiers thus endamaged:

That this honourable House would be pleased to move the well-affected Lords, and they and you both join in supplication to his Majesty, that his Majesty would discover and nominate who those evil councillors were that advised to those unparalleled breaches of the privileges of Parliament, in charging those worthy members in so illegal a way; and those who were any occasion so long to remorate the relief of our distressed brethren in Ireland, to the end they may be brought to condign punishment. And in case his Majesty shall not declare who they be, that then yourselves would be

pleased to endeavour to find out and declare who, in your judgment, have been the contrivers and fomenters of those evil councils:

And being confidently assured of your readiness to answer our desires, as in other things, so especially to further the military posture of the kingdom, we humbly tender it to your consideration, that for the speedy safety of our own country, both against our home-bred commotion or foreign invasion, we are ready and willing at our own charge, for three months next ensuing to maintain and billet three hundred of our band of Horse, and three thousand of our private Train Band of Foot, in some most convenient places of the several Ridings of our said county, (concerning which we have more particularly expressed our intendments in a schedule hereunto annexed), to be in readiness upon all occasions, if in your wisdom it shall be approved of. And if so, our most humble desire is, the way may receive countenance and confirmation, by some order from your honourable House:

And lastly, that such things may be achieved as are worthy of the excellent wisdoms and painful labours of such noble instruments, whom unto our great rejoicing of heart we evidently discern to be so faithfully and indefatigably studious for the public weal of this nation. We, therefore, for the better accomplishment of your honourable endeavours, and for our more complete enjoyment of the precious fruits thereof, most humbly desire that the High Court of Parliament (of the infringement of the liberties whereof we are very sensible, and which in all your just and honourable ways we shall be ready to our utmost abilities to assist against

the enemies of God, the King, and State,) may in all the power and privileges of it be inviolably maintained.

And your Petitioners shall daily pray, &c.

This Petition was subscribed by Sir Thomas Gower, Sheriff; Sir Mathew Boynton, Sir Thomas Fairfax, Sir John Bouchier, Sir William Fairfax, Sir John Ramsden, Sir Arthur Robinson, Sir Thomas Gower, sen., Sir Hugh Bethell, Sir John Savile, Sir Marmaduke Langdale, Sir Edward Rhodes, Sir Richard Darly, Sir John Goodrick, as well as by many more of the gentry, "and others of quality;" by Edmund Cooper, Lord Mayor of York, and by the Aldermen of that City.

Before signing the Petition, the High Sheriff took the Protestation, and "all the Knights and Gentlemen in order after him," agreeing at the same time, (if the dangers increased, and the Parliament approved), that they would muster 3000 foot, and 300 horse, for six weeks, in such parts of that county as might most conduce to its safety. The writer of the following letter stood alone as a dissentient:

TO THE RIGHT HONOURABLE MY WORTHILY HONOURED LORD, THE LORD FAIRFAX, IN PALACE YARD.

My Lord,

I HUMBLY thank your lordship for your last; and truly, though it becomes not me to censure any act of my countrymen, yet I must profess, there are some passages in the petition I received from your lordship, which I should by no means have assented unto, but it is not their pleasure to call me to any of their meetings;

but (if the Petitioners did summon me) my occasions which withhold me from them, (as your lordship pleased to write), wherewith I am not displeased, unless I were able to do my country the service I desire. By the time others have undergone the like burden, trouble, and charge I have done in public service, I think they will be best contented to rest quietly at home, unless their pains and endeavours were better accepted than mine have been; but it is my misfortune to be misconstrued by too many, and I must be contented with it, for so my friends understand me aright, I do not much value other opinions.

God Almighty prosper all your proceedings, and crown them with peace and honour to God, King, and State! which shall ever be the vote of, my lord,

Your lordship's faithful and humble servant,

EDWARD OSBORNE.*

25th February, 1641. (N.S. 1642.)

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, AT WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

I PERCEIVE our Yorkshire petitions were presented the last week, and that at the first view they seemed subject to some misapprehensions, especially in that particular touching the Militia, where we offer in part to maintain 300 horse and 3000 foot of our

* Sir Edward Osborne, father of the first Duke of Leeds, was a firm royalist. He was Vice-President of the Northern Court when Wentworth was its President. When Charles gathered together his army in the North, Sir Edward was his Lieutenant General. He was connected with the Fairfax family in consequence of his marrying the eldest daughter of Viscount Fauconberg.

Trained Bands within the country; yet I hope, when they shall be reviewed, they will discover our sense to be, that we thought the due burthen and proportion of the country to be no more than 3000 foot and 300 horse, which we desired might, for the present, be kept in exercise under the sheriff's command, for suppressing insurrections, which are feared both there and here, from the Papists and their adherents: and this only until such time as the Lord Lieutenant should see it convenient to send down other directions; which very words I often urged to be inserted into the letter to my Lord Lieutenant. Nor do I think that any man did intend to charge the country with so great a burden as our resolutions seem to offer, unless some inevitable necessity constrained it. But we all fear some secret machination to disturb the peace of the land, and to divert the courses of the Parliament; and our intention was, and is, to make known to the world that this country should be no fit stage for that tragedy.

The last Friday I received your lordship's letter, and the King's most welcome message of the 14th of February, which hath caused in this country extreme passions of joy in the well-affected, and of grief and dejection in the malignants.* And now the Lord Digby's letter doth evidently discover a purpose of a commotion amongst them, which I hope the King's wisdom and goodness hath prevented. But certainly all the ill-affected in the land had some secret notion of it; for here have been many rumours of such intendments,

* This message promised a Proclamation against Recusants; and to refer "the Government and Liturgy of the Church to the wisdom of Parliament."—*Husband's Collections*, 75.

which when they have been searched after, they fly before the pursuer as a shadow, and at length vanish into air.

The only botch of that disease that hath broken forth were the 200 blue ribands at York last Tuesday, whose pretence was only against the breakers of the church windows, who took away superstitious pictures; but the rout was dispersed by the providence of the mayor and citizens, without any harm done.*

On Tuesday last the ministers, churchwardens, constables, and overseers of the poor in this wapentake of Claro, (Ripon parish and liberty excepted,) came to Knaresborough and took the Protestation; and I think all men in these parts (recusants excepted) will take it; of which I shall return certificate to your lordship and Mr. Bellasis the next week, when the ministers are appointed to bring in their certificates, according to the Speaker's letter. Sir John Goodrick and Mr. Marwood were detained either by sickness or some urgent occasions; but Mr. Hopton came and assisted at that service.

The sheriff sent me copies of the petitions to the King, Lords, and Commons, and desired me to get signatures to them to be sent to the Parliament, to signify the full concurrence of the country with the Parliament; which I have done, and sent to him this day, as he desired, with 530 hands subscribed, all men of good substance. I think if there had been time to

* *Blue* was the colour selected as a badge by the Royalists; and our present hustings' cry of "True blue will never fade," may be traced to the Royalist ballads of the Civil War. *Orange* was the colour similarly selected by the Parliamentarian party. They did so in compliment to their Commander-in-Chief, the Earl of Essex, it being the colour of his livery.

send it to the ministers to procure subscriptions, that most men would have signed to them that take the Protestation; for no man that I know neglected to sign the petitions, save only the parsons of Kirkeighton, Ripley, Goldsborough, Hunsington, and Nydd, and some few that should have been guided by them; who all of them nevertheless took the Protestation. The forwardness of the country to run the Parliament's way must invite a like care from the House to pay their billet-monies, of which I beseech your lordship and Mr. Bellasis to be very sensible, for the country doth really grow poor, and wants the money.

Sir John Mallory came home on Wednesday at night; but whether he be employed by the House upon some special service, or come about his own private occasions, I do not yet hear.

Henry Benson is fled, as all men think; and it is said by some that he is gone to Nocton, which is Mr. Townley's house in Lincolnshire, and there lurks.

Mr. Cockill, of London Bridge, wrote the last week to some friends of his to make way to get himself elected burgess of Knaresborough; for he writ that Derelove was absolutely rejected by the House, and that a writ would come presently for a new election. But this I shall not believe until I hear it from your lordship.

I beseech your lordship let Sir William Constable know that, for certain, William Derelove, as he went from hence to the Parliament, lighted at Plumpton, and stayed there an hour, his brother John and Tom Parker in his company, and Mr. John Plumpton set him from thence to Wetherby, and there parted with him, which shows apparently an entire affection with the

popish parties. This is related to me by Dick Tenant, a paviour of Knaresborough, who followed Derelove to Plumpton. I fear I weary your lordship with my lines, which I hope you will excuse, because they flow from the unfeigned affection of

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

25th February, 1641. (N.S. 1642).

Upon the general search made by constables on Friday last, there was neither priest nor arms found with the Papists in Claro.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

UPON Friday last the high sheriff gave me notice that there is some working to have an anti-petition by the country to the Parliament, to cross that subscribed by us, and therefore desired me to engage as many as would consent to ours, by procuring their subscriptions, which I have done in some measure, though nothing in comparison to that I expected. For I find the sense of the people poisoned with an opinion infused to them, that all who subscribed the petition, and none else, must contribute towards the maintaining of soldiers of the Trained Band, for suppressing of insurrections; and though I have endeavoured to root out the error where I chanced to find it, yet I find it prevails with the multitude. I send inclosed a

view of the Protestation as it hath been taken in these parts, and where and by whom neglected; and I desire your lordship to direct me whether this brief manner of certificate be sufficient to satisfy the expectation of the House or not? — for if all the parties' names must be transcribed, two or three quire of paper will not contain them. Until I understand from your lordship in what other form it is expected, I shall forbear preparing any other certificate for the other justices to sign; for it will be necessary they join in certifying, to give the work more credit with the Parliament.

The estreat for the poll-money is returned back to me from the other commissioners on Wednesday last, so I send it this post to your lordship and Mr. Bellasis. For the exercising of the Trained Bands I hope there will be no necessity, until the Militia be settled by Act of Parliament, or some other order for the present sent from the Lord Lieutenant. And yet I do not think that it is the Papists only that are to be feared; there be others like to adhere to them, no less formidable than the recusants themselves.

I hope this post will bring us news of the King's return to the House, and of his full assent to their advices. It much afflicts the good subjects to hear that anything should obstruct the free current of his grace towards them; and no man can doubt but that ill-affected spirits do frame themselves hopes of rising by those ruins caused by such distractions.

Our neighbour Thomas Derelove is now at home with his mother. He hath taken the Protestation, and desired a certificate of it under the hand of Mr. Rodes, and

likewise a pass or certificate from him, signifying that he is a Protestant, and that he is to travel into the south about his occasions, and desiring all men to let him pass. But where his brother John and his father Benson lurk, I do not yet certainly hear. Their friends cast out great boasts amongst their Knaresborough neighbours, that they will all three prove themselves honest men, and that those that signed the petition against William Derelove shall be deeply fined, and thus they endeavour to fright the doating multitude, who nevertheless begin to disvalue them, and give less credit to their words than heretofore.

I hear of certain commissioners come down for loan of moneys towards the Irish war, upon which I fear little will be gotten in these parts, unless there be both good encouragement and assurance for the adventurers: whereof I have not yet heard any particulars, other than is expressed in the Diurnals, and there the proportions of land seem to be high rated—the casualties being considered.*

I hope your lordship, amongst those many troublesome affairs that daily fall upon you, do still continue your health, which is most affectionately wished by,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

4th March, 1641.

* The Commissioners here spoken of were appointed in accordance with a vote of both Houses of Parliament, and approved by the King, for raising money for the relief of Ireland. By that vote, whoever "adventured," or gave 200*l.*, should have one thousand acres of land in Ulster, out of the confiscated estates of the rebels; for 300*l.*, one thousand acres in Connaught; for 450*l.* and 600*l.* a similar extent in Munster and Leinster respectively.—*Husband's Collections*, 84.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

SOME that are come down from London this week have brought the message sent to his Majesty from the Parliament on the 2nd of March, and his Majesty's tart return upon it,* which doth not a little trouble the good subjects, who fear these distances between the King and his Parliament (if a speedy reconcilement be not made), will not only lose Ireland, but also hazard the prosperous estate of this land by intestine troubles. We hope this post will bring us more comfortable news: if that hope fail, then we are apt to entertain belief that the King will retire into this county, where the subjects are divided in opinions. Therefore, it is not unworthy the Parliament's consideration in my conceit, to propose some course likely to unite the people, and to send an order from both Houses, directing the subjects so to comport in their observances, as that they may neither fail in the least duty of loyal subjection to our gracious Sovereign, nor therein waive any loyal interest or liberty of the subject. This course, though it be well abstracted in the Protestation, yet in some particulars will require a large and full explanation, suiting with the dangers now imminent, which I conceive to be especially the misapplying of the Militia, if any such matter should be attempted. And it would not

* The King's reply, that "he would not alter a point" in his determination about the Militia.

be amiss also to employ some able pen to publish a discourse of the originals of this Militia, called the Trained Bands, and in it to declare to what purpose it was instituted, and how it was to be employed and commanded; and for what causes the trust of command and ordering them was conferred upon the sovereignty, settled in the person of the King, who, indeed, though he were an infant, is *Pater Patriæ*, and most properly so called when he is governed by advice of his great councils. I hope others will move in these considerations from hence, that they may be propounded to the House, if they be conceived requisite in these distracted times.

It is here apprehended that the King, in his message from Greenwich, points at this county, where he saith, some have intermeddled with the Militia, and declares his distaste of it. In this, nevertheless, we think that we have done nothing but our duty, being commanded by an order of both Houses; and that for preventing of insurrections, and necessary preservation of our safety, which nature and reason do both allow, though peradventure it hath not been thought convenient to give it the formality of a law, lest the headstrong multitude should take advantage of it for contrary ends. And methinks it was ill policy to take notice of it as an offence, seeing the dislike of so necessary a work in so dangerous a season, may rather harden than mollify the resolution of the people.

The Protestation is, for the most part, taken through all Yorkshire. God grant it may be as well observed! I am sure you hear how they challenge the under-minister at Bradford to have violated it, because he useth the sign of the cross in baptism, though it be yet established

by the law of the land; but there the people dislike the minister. And lately, the churchwardens have with strong hand kept him out of the reading-pew and pulpit, and will suffer him neither to preach nor pray, but put others to officiate in his place; but of that matter I assure myself you have more particular relation from thence. I have heretofore feared we had been remiss in the poll-cess in this wapentake of Claro, because ours did not amount to half the sum raised in Agbrig and Morley; but now I see the reason of that apparently, for whereas our division contains about ten or twelve thousand polls, I find Agbrig and Morley hath at least twenty-six thousand, besides their great personal estates, for there are above thirteen thousand men who have taken the Protestation there.

Upon Wednesday last there was a meeting at York about division of the 8,750*l.* for billet, in which no full conclusion was made; because most of the treasurers named in the statute, and many gentlemen who took and certified the accounts of billet-money, were absent; so little was done, as may appear by the enclosed; which slow appearance happened by mistaking the day appointed by the sheriff. If there be any other cause I am not acquainted with it, for all was concluded before I came thither; though I came at length to consent to what was done by the rest and subscribe to it, as appears. I do now understand that William Derelove's sentence is past, for upon Friday last, 4th of March, Samuel Flesher came from London by post to Knaresborough, and brought with him a letter from William Derelove to William Conyers, dated the 2nd of March; and therein he writ that his election was utterly disabled

and he rejected by the Parliament, and therefore desired for the good of the town, that all the inhabitants would sign a petition to the Parliament, (which petition he sent ready drawn) desiring the House to pardon their former errors, and to grant them a writ for a new election. And, withal, he advised they should write a letter to Sir Henry Slingsby to prefer their petition; and then he desired that all who gave voices with him should be moved to promise at the new election to give their voices to William Flesher, the linen-draper in St. Lawrence Lane. This was the substance of his letter, and I perceive it is done with a purpose to hinder Sir William Constable's admission into the House; for it was instantly gotten signed by William Baroby, brother-in-law to Flesher, with assistance of Benson's faction, and sent up by post the same day it was brought. But my hope is that Sir William Constable is already admitted, who wanted only the formality of the bailiff's hand, which he now may be ordered to put to the indenture, if the House please, for it is evident the other election was factious and unlawful. And now this part of the country do owe thanks to the Parliament, and more particularly to your lordship, for discovering and purging the House of such unworthy members as Benson and Derelove, who are well known to have only used religion for a cloak, and law, to oppress and deceive where they had power. Now I conclude, wishing to your lordship much increase of honour and health, and am,

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

11*th March*, 1641. (N.S. 1642.)

Sir Richard Hutton, Sir Richard Gryme, Sir Richard Musgrave, Sir John Goodrick, Sir Robert Strickland, Sir John Mallory and Mr. Musgrave were yesterday altogether at Goldesborough, where they have been divers days making merry with Sir Richard, who is his father's successor for good house-keeping.

CHAPTER X.

The King's preparations for war—Queen's departure for Holland—Proceedings of Parliament relative to the Prince of Wales—The latter brought to the King—Negotiations relative to the command of the fleet—The King proposes to visit Ireland—The King's statue at Greenwich—Bernini a physiognomist—The Pope displeased with the Parliament—The King reaches York—Letters from Mr. Stockdale—Petition to the King in agitation—Reports about Hull—Ruthven and King visit Charles—Billet-money still due—Commissioners from the Parliament—Lincolnshire Petition—The King's answer to the Declaration of Parliament—Yorkshire Petition—Paper warfare between the King and Parliament—Demands of the Parliament—The Hull Magazine—Committee from the Parliament to the King—Letter to the Parliament—Reception of the Committee—Limited mustering of the Yorkshire gentry—The King's proposal for a guard—The Committee prepare a Petition—The King censures them—Their interview with him—The King summons the Freeholders, &c., to meet on Heyworth Moor—Large Assemblage—Sir Thomas Fairfax presents a rejected Petition—Extract from his "Short Memorial"—Answer to the Petition—The Earl of Newcastle's Proclamation for arms—Northern Intelligence of some preliminary operations—The King levies money—Arrival of the Northumberland Horse—Doncaster garrisoned—Cawood Castle—Leeds taken possession of—Skirmish at Darnton—The Danish Ambassador arrives—First officer killed at Percy Brigg—Skirmish at Wetherby—Approach of the King's Army—Attacks Tadcaster—Retreat of the Parliament forces—Successes of Sir Thomas Fairfax.

FROM the day that the King withdrew from Whitehall after the signal outrage he had committed on the privileges of Parliament, and failure in his attempt to seize the five members, he began his preparations for an appeal to arms; an appeal which every one then perceived must be almost certain if he persisted in his endeavours to arrest the progress of reform, and inevitable if he endeavoured to recover those

portions of his prerogative which the Irish Papists considered to have been "wrested from him by the Puritan faction in Parliament."

The first preparation for war made by the King was to obtain that supply of ammunition and arms from abroad, which the vigilance of the Parliament had prevented him obtaining from the arsenals of England. For that purpose, as well as to place the Queen in safety (for there were rumours of an intention to impeach even her of high treason), Charles hastened her departure to Holland. There was some unconfessed fear also lest the Parliament might prevent her embarkation, for the purpose of having her more within their power, if required, as a hostage. To avoid this, we have seen there is reason to believe that even the bishops' votes in Parliament were sacrificed.

The King, in order quietly to remove the Prince of Wales from a similar danger, directed his new governor, the Marquis of Hertford, to bring the Prince from Richmond to Greenwich. The Prince had been sent to Richmond, "that there might be no room for the jealousy that it was purposed to transport him beyond the seas;" and now, so soon as the fairness of the wind enabled the King to determine that the Queen could depart, and he could be at Greenwich by a certain day, the Prince was directed to meet him there. Even this circumstance roused the suspicions of the Parliament, and they, knowing the illness of his governor, but ignorant of the Queen's departure, deputed the Earls of Essex and Holland, and Mr. Hyde to proceed to Dover, and request that the Prince might not be removed from Richmond, until the Marquis could be his

attendant. Whilst they thus petitioned the King, they sent an order to the same effect to the Marquis.*

The Queen having sailed, the Parliament deputation met (February the 25th,) the King on his return, at Canterbury, "with a very little court, most of his servants having leave to go before to London, the better to provide themselves for a further journey." The King's answer, "Mr. Hyde was very much troubled" to find "had much sharpness in it;" for this could not aid the King to obtain his wish, that the young Prince should be with him, and might exasperate the Parliament to a sterner interference. At a private interview, Mr. Hyde prevailed upon the King to recall his answer, and to promise another reply when he reached Greenwich, and the soundness of the advice was shown by the result, for when the King arrived at Greenwich he found "the Prince there with his governor, who, though indisposed in health, without returning any answer to the Parliament, brought the Prince very early from Richmond to Greenwich." This put the King at ease, and he now told Mr. Hyde, "I will say nothing of the answer, for I am sure Falkland and Culpepper will be here anon; and then prepare one, and I will not differ with you; for now I have gotten Charles (his eldest son) I care not what answer I send to them." The King then expressed his regret that he had consented to the bill for excluding the bishops from Parliament, "which he said he was prevailed upon to do for his wife's security, but he should now be without any fear to displease them (the Parliament)."†

* Clarendon's Autobiography, 53.

† Ibid. 55. Sir Richard Bulstrode says, that both the Prince of Wales

We have seen that the King acted as if divested of that fear in his replies to the Parliament relative to the Militia, and the same firmness was maintained by him in some similar negociations concerning the Navy. The Parliament applied to have Sir John Pennington removed from the office of "Commander of the Fleet," and the Earl of Warwick promoted to the office of Lord Admiral; but the King, now at York, replied that "he saw no reason why he should give way to the alteration."

Charles then informed the Parliament on the 8th of April that he purposed going to Ireland, "to settle the peace of that kingdom and the security of this." This was sufficiently startling to the Parliament, more especially as it was coupled with the announcement of his determination "to raise a guard for his own person at Westchester, of 2000 foot and 200 horse, to be armed from his magazine at Hull."* Nor was this all; for they had also been advised by Mr. Secretary Nicholas that the Pope was much incensed at their proceedings against the priests, and others of his creed, and that, "if they so proceeded, his Holiness would cause an army to

and the Duke of York were brought to the King at Greenwich. "I will not omit," says this writer, "one passage at Greenwich, before the King left it, which was somewhat strange and ominous. The King commanded his statue to be carried from Greenwich Garden into the Magazine. In the carriage of it, the face being upwards, a swallow, or some other bird, flying over, dunged in the face of the King's statue, which was wiped off immediately, but, notwithstanding all endeavours, it could not be gotten off, but turned into blood. This statue was made at Rome, by the famous statuary, Signor Bernini; and when the King's picture was brought to him, by which he was to make the statue, with positive directions to conceal whose picture it was, the Signor said he had never seen any picture whose face showed so much greatness, yet withal such marks of sadness and misfortune."—*Bulstrode's Memoirs*, 66.

* Rushworth, V. 558—69.

be raised and sent into Ireland." The Parliament could not but suspect that a secret combination was visible in those proposed movements, and the more so when they heard that the Earl of Newcastle had endeavoured, in disguise, to gain an entrace into Hull. They protested, therefore, against the King's proposed journey, as being without their advice; as dangerous to his person, as encouraging the Papists, and as rendering "doubts more probable of some force intended by some evil councillors in opposition of the Parliament." But the Parliament did not stay here, for they added, that they not only would not assent to the expedition, but that they would not "submit to any commissioners his Majesty should choose, but would preserve and govern the kingdom by the counsel and advice of Parliament."* His reply was dignified; but, though he had the best of the argument, he consented "not to pursue his resolution until he had given them a second notice."

Charles had reached York on the 19th of March, and Sir Philip Warwick's observation, that he was "cheerfully entertained there," is confirmed by the following letters:—

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, AT WESTMINSTER.

My Lord;

I came this day to York to meet the Sheriff, (Sir Thomas Gower,) and other gentlemen of the country, to advise what request is fit in these distracted

* Rushworth, 561—3.

times to be made by this country, that may conduce to reconciliation of those distances betwixt our King and Parliament; but the Sheriff's eldest son died this morning, which prevented his coming to town, and so disappointed our meeting. The business we put off to the assize week, and then I hope such moderate propositions will be made as shall not distaste the King, who will disrelish it if we should desire him to depart from us. And many of the leading men decline that way, besides the inferior people, who term them Roundheads who are suspected to intend and assist such a petition, and threaten them; and others term them Gadarenes, that desired Christ to depart out of their coasts; and I hear that in the Bishopric most of the people declare themselves favourers of these distractions, and rejoice in them. Yet the King himself declares a gracious care to intend the peace and welfare of the land, and doth neither send to demand Hull, nor contradicts any order settled by the Parliament; indeed here is a speech of coat and conduct-money required by Sir John Hotham for the garrison at Hull, which is not well understood.

It is given out the King will stay long in these parts, at least till St. George's day be past. His press is come, which is set on work to print his Majesty's answer to the Declaration of Parliament, sent to Newmarket, which manner of disputing is like to prove dangerous, and cannot suddenly be prevented, unless both sides be pleased to decline a little of their former resolutions, and meet in the middle. It is conceived that if Hull were put under command of one chosen by the King, and yet such as the Parliament should allow, it would give his Majesty great contentment. I see few of the country

gentlemen resort to Court, the restraint of Papists is partly a cause of it. From the south are come many of the commanders of the late army; they continue here, and speak loud in their sense of these affairs that distract the State; and from Scotland, here have been Ruthven and King, but they are gone away post, yesterday, and, it is said, to Germany; but they went southwards.*

I perceive some endeavour to have the Roundheads, as they term them, cast into balance with the Recusants, and to declare they are no less obnoxious to the peace of this land than the Papists. And against these sectaries will the pretence be, if any force be attempted.

But hitherto the generality seem nothing moved, nor can I perceive any intention in them to desert the Parliament. It is not unlike that many particular men, for private respects, declare themselves Anti-Parliamentarians in their opinions, but they are few in comparison of the other party. The letter from the Speaker of the Parliament to the Sheriff, hath cooled the hot invectives against the Yorkshire Petition; and if 30,000*l.* were borrowed and paid to the country in part of their billet, it would much engage the people to confide in the Parliament, and it is but just to be done. I was told by a churchman that fled out of Ireland upon these troubles, that before he came from Dublin, it was vulgarly spoken there, that there were three hundred priests and Jesuits who came out of England to Ireland, the last summer, upon pretence of fear of persecution

* These were General Sir Conrad Ruthven and Colonel King, both very active officers in the King's service.

here by the Parliament, and that it was verily thought the Rebellion was contrived and set on foot by their practice; and, if that be true, then certainly all the Papists in England cannot wash their hands of that plot.

Henry Benson, and his sons, Tom and John, are now about home; and William Derelove came home on Tuesday last, and boasts as one that hath gotten the victory, and threatens all that have petitioned the Queen's council against him. I know not how that business is left, but it seems dismissed, for he hath gotten some favourable dispatch of his troubles, and in gratification, hath promised to get a friend of Mr. Tomkins to be elected burgess of Knaresborough, so he hath engaged himself to three several men; and now I hear that Mr. Thomas Slingsby hath sent to stand for the place. The rest presents me

Your lordship's faithfully devoted servant,

THOS. STOCKDALE.

25th March, 1642.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD FAIRFAX, IN WESTMINSTER.

MAY IT PLEASE YOUR LORDSHIP,

THIS week I have been at home continually, where little novelty hath occurred,—nor can I discern that the higher spheres have any stronger influence in our lower orbs than hath been usual when more remote from us. On Saturday last I was with my Lord Dungarvon, the Lord Willoughby, and Sir Anthony

Erby,* when they arrived at York, but stayed not to see their reception. I hear they found no cheerful entertainment of their negociation; yet report says they had a very gracious dispatch at their return, which I am sure you have there by this time. The Lincolnshire Petition found cold entertainment, and the gentlemen that attended it received some affront by the inferior rabble; they termed them of Lincolnshire, Roundheads, and so they do all others that desire the King's return and accord with the Parliament. I am confident such routs are most displeasing to the King, though I am persuaded the people are emboldened by his presence to act them, supposing them acceptable to his Majesty. But if such disorders be not prevented, the King will want attendance and observance of the country, and the city want resort of much company that would otherwise flock to it.

The King's answer to the Declaration of the House is published here, and in it methinks he doth rather endeavour to express that he hath cause to be displeased, than that he is displeased with the Parliament; and on Sunday last I am told that his Majesty said to the Lord Mayor and Aldermen, that he thought he should shortly leave them, and return to his Parliament, all which import a pacific resolution in his Majesty; and I hope this country, which was the birth-place of the Parliament,† shall also bring forth that much desired union of King and people, and make all the kingdom debtor to it for those great benefits.

It would very much content this country if the money due for billet were borrowed by the House, and

* Commissioners from the Parliament.

† The Resolution to summon a Parliament was announced at the Treaty of Ripon.

paid to them, for the 8,750*l.* doth rather displease than satisfy them; it is but about an eighth part, and the simpler people are possessed with fears that this is all intended to them; and though the Speaker's letter doth well encounter that injurious conceit, yet the want of money bites the creditors, and it is both just and necessary to satisfy them.

I am persuaded that the forwardness of the Scots and Dutch to assist this nation, and the fortunate success of our forces in Ireland doth not a little conduce to the settlement of peace here, the malevolent party being discouraged to raise insurrection, seeing they cannot hope for succours from other parts; and I hope they shall ever find themselves too weak to effect any considerable matter, other than their own ruin. Henry Benson, William Derelove, and his two brothers, continue about home, as it is believed, though none of them come abroad save Will Derelove, who is now going to London again. I know not his business; it may be to press for his office again, which his corrupt carriage hath shaken.

It grieves me much that noble Sir William Constable should be kept out of the House by the interposition of Derelove's most unworthy election. I know not how prejudicial his admission may be to the privileges of the House, by making this a precedent for elections that shall hereafter want formality. But if a special order could be conceived by the House to allow Sir William for this time, in respect of the corrupt carriage of Benson, and the factious election and return of Derelove, and the petition of the boroughmen pressing his admission, though illegally elected and returned; it would but deter others from like courses, and coun-

tenance that religious noble gentleman, whose reputation suffers in failing of his desire to serve his country.

When the King came to York, the Sheriff and others at that time there, thought it necessary that the country should petition his Majesty's return to Parliament, and we resolved to assay the country to it; whereupon I framed the enclosed draft, and upon the 20th of March I got our town all to subscribe, and other towns promised the like. But on Monday I went to Ripley to get Mr. Ingilby and Captain Atkinson to sign, and procure other subscriptions, which they then delayed, till it were propounded more generally by the gentry of the country; so there I stopped, and went no further. And what the country will think convenient in the assize-week, I know not; but I send the copy of the petition enclosed, and acquaint your lordship with my proceedings, lest they may be mis-reported, as most things are in these days. And here I conclude, and am,

Your lordship's humble and devoted servant,

THOS. STOCKDALE.

1*st April*, 1642.

I hope we shall petition the King in such a style as shall please both him and the Parliament, and shall neither be guided by the Kentish Petition in some particulars, nor deterred by the slight answer given the Nottingham Petition, nor the affront of the Lincolnshire petitioners. The ships at Scarborough I think will prove of no power, if they had instructions to offend us, which I think they have not.

The petition mentioned by Mr. Stockdale was adopted

and signed at the York Assizes, on the 5th of April. It passed by all other topics of minor consideration, and after quoting "that infallible oracle of truth, *A kingdom divided cannot stand,*" added this earnest prayer, "We, from the centre of every one of our hearts, most earnestly supplicate that your Majesty will be graciously pleased to declare such fit means and expedients as may take away all distances and misunderstanding between your Majesty and your great Council." * The wording was sufficiently deferential, and therefore was received graciously; Charles, both by his reply on the instant, and in his written answer two days subsequently, studiously endeavouring, both by the expressions employed, and the topics touched upon, to propitiate his "good lieges" of York.

These endeavours did not succeed to his satisfaction, but led to further petitions and answers; so that these, added to the declarations from the Parliament, and the replies they required, must have kept "honest, but heavy" Mr. Secretary Nicholas most sedulously employed.

The declarations from the Parliament enumerated grievances in language even still more plain than upon former occasions, and asked for still more stringent remedies. They petitioned that all the great officers of State, "excepting such as have offices by inheritance," might be superseded by "such persons as should be recommended by both Houses of Parliament;" and that those displaced should not have access to the King. Of the minor officers they requested the removal of four:— "Mr. William Murray, Mr. Endymion Porter, both of the Bed-chamber; Sir John Winter, late Secretary to

* Rushworth, V. 613.

the Queen; and Mr. William Crofts;" being all "instruments of jealousy, discontent, and misunderstanding." That the Queen should take an oath not to interfere in affairs of State; and that the officers of Government should swear that they had not applied for preferment through her influence:—That it should be high treason to propose the marriage of any of the Royal family with any one of the Popish religion; and that none of them should visit the continent, without the previous consent of Parliament:—That the celebration of the mass be totally prohibited:—That no peer, newly created, should have a vote in Parliament, without the consent of both Houses; that no member of either House should be appointed to an office, without the consent of Parliament; and "that no office or employment be sold or bestowed for money." "These things being obtained and confirmed by your Majesty," (we now quote the concluding words of one of the Parliament's declarations,) "They humbly conceive, that through the blessing of God, it will be an assured and effectual means to remove all jealousies and distempers betwixt your Majesty and your people, and to establish your royal throne upon the sure foundation of their love and confidence; and thereupon, your dutiful and loyal subjects shall most cheerfully address themselves, with their lives and fortunes, to maintain and defend your sacred person, and your royal power and authority; in a parliamentary way to support and supply your Majesty in so free and large a manner, as may make you as great and happy a Prince as any of your most renowned ancestors; and upon all occasions, they shall be ready to use their utmost and most faithful endeavours, that

your Majesty, your Royal Queen, and princely issue, may enjoy all honour, happiness, and contentment, in the midst of an humble, obedient, and affectionate people; whereby a hopeful way will be opened for your Majesty to become a glorious instrument of the peace and prosperity of this kingdom, and of all your friends and allies abroad." *

Many of the objects thus required by the Parliament have since been granted and incorporated with the Law of England, whilst others, if granted, would make the Legislature the executive, and render the Sovereign an expensive inutility. Charles, however, would listen to none of these propositions; and the approach to open warfare became more and more evident daily.

On the 2nd of April, the Parliament resolved that the magazine at Hull should be conveyed to London, and this was effected on the 29th of May; † but in the mean time, April 23rd, the King, desirous to frustrate the Parliament's intention, endeavoured to gain admittance into the town, but was refused it by the governor. ‡

As some colour for that attempt, a petition was presented to the King, signed by Sir F. Wortley, Sir W. Wentworth, Sir J. Gibson, Sir T. Metham, Sir R. Hutton, Sir Paul Neal, Mr. Bryan Palmes, and not more than fourteen others, of less-known influence, requesting

* Parl. Hist. II. 1161. These extracts are from a Declaration, drawn up on the 1st of April, which, not having been presented to the King, was afterwards laid before him in the form of "Nineteen Articles."

† Laud's Diary of that date.

‡ Full particulars of this, and of all the active warfare of this period, will be given hereafter. The King had refused his assent to the removal of the Magazine, a week before he attempted to enter the town; and the Peers intimated to the Commons there was "a design to stay the arms there, and to use them for the disturbance of the peace of the kingdom."—*Parl. Hist.* II. 1178.

that he would not permit the magazine to be moved.* A counter-petition, far more numerously signed by the gentry of Yorkshire, was presented to the King, about the last day of April, pressing upon him to assent to the removal of the magazine, as its continuance at Hull tended "to foment divisions between him and his great Council."

Charles directed these counter-petitioners to attend at York, to receive his answer, on the 12th of May; but in the mean time a Committee from the Parliament arrived at that city. This Committee comprised, Lord Howard of Esricke, Lord Fairfax, Sir Hugh Cholmeley, Sir Philip Stapylton, and Sir Henry Cholmeley. They were directed, first, to announce publicly that Sir John Hotham had only acted in conformity with the Parliament's instructions; secondly, to call upon the local authorities, to aid them in carrying out the commands of the Parliament; thirdly, to prevent the employment of force against Hull; fourthly, to announce the Parliament's deprecation of the King's attempt to induce the Yorkshiremen "to join with him for the defence and assistance of his person;" and fifthly, if necessary, "for raising the forces of the county," to obtain arms and ammunition from Hull. There were some other directions of minor consequence, the whole of which the King met by forbidding any one to go out of the county until the Parliament had done his Majesty justice against Sir John Hotham, and by persisting in pressing the Yorkshire gentry to raise a guard for his person, which, of course, was a mere pretext for levying troops.

On the 9th of May the Parliament committee

* Parl. Hist. II. 1186.

appeared before the King, and delivered a declaration to him from the Parliament relative to the proceedings at Hull;* and on the morrow he delivered to them his reply, adding "a strict command" to bear it personally to the Parliament. "We told him," says the letter of the committee, "that we were commanded to stay here, and attend upon him, and use our best endeavours in keeping the peace of the country. To which he replied, 'That if we would positively disobey him, and stay here, he would advise us not to make any party, or hinder his service in the country; for if we did, he would clap us up.' We humbly answered, 'That our denying to go at this time was no personal disobedience in us to his Majesty, but that we were engaged in our duty to the Parliament, and in our honour; having undertaken to observe those instructions we had received, and which were tending only to his honour and the peace of the kingdom, but not to make nor nourish any party; nor could we be commanded from staying here to execute them, without a great breach of the privilege of Parliament.' Upon this our humble excuse that we could not depart thence, his Majesty enjoined us to attend his person on Thursday, to hear what he should say to the gentlemen who were summoned to appear. After divers other passages, he commanded us to show him our instructions; and withdrawing into a private room from the great company who was there present, he heard them read, took one of our copies, and so dismissed us."

On the 12th of May the gentry of Yorkshire assembled in obedience to the King's mandate; the attendance, and, we may believe, the summonses, being limited to

* Rushworth, V. 615; Parl. Hist. II. 1222.

those who were friendly to his cause. The Parliament committee was also there, and Charles at once referred to "these messengers;" and, after having caused the various correspondence which had passed between himself and the Parliament to be read, he proceeded to observe, that "since treason was countenanced so near him, it was time to look to his safety."—"I vow," added the King, "it was part of my wonder that men (whom I thought heretofore discreet and moderate) should have undertaken this employment, and that since they came, (I having delivered them the answer you have heard, and commanded them to return personally with it to the Parliament,) should have flatly disobeyed me, upon pretence of the Parliament's commands. My end in telling you this is to warn you of them; for since these men have brought me such a message, and disobeyed so lawful a command, I will not say what their intent of staying here is; only I bid you take heed, not knowing what doctrine of disobedience they may preach to you, under colour of obeying the Parliament. Hitherto I have found and kept you quiet, the enjoying of which was a chief cause of my coming hither, (tumults and disorders having made me leave the south,) and not to make this a seat of war, as malice would, but I hope in vain make you believe. Now if disturbances come, I know whom I have reason to suspect.

"To be short, you see that my magazine is going to be taken from me, (being my own proper goods,) directly against my will; the Militia, against law and my consent, is going to be put in execution; and, lastly, Sir John Hotham's treason is countenanced. All this considered, none can blame me to apprehend danger.

Therefore I have thought fit, upon these real grounds, to tell you, that I am resolved to have a guard, (the Parliament having had one all this while upon imaginary jealousies,) only to secure my person; in which I desire your concurrence and assistance, and that I may be able to protect you, the laws, and the true Protestant profession, from any affront or injury that may be offered; which I mean to maintain myself without charge to the country; intending no longer to keep them on foot than I shall be secured from my just apprehensions, by having satisfaction in the particulars before mentioned." *

The reception which this speech and the reading of the correspondence met with from the audience is thus told by the Parliament committee :—

"This reading was done with much humming and applause of the King's messages, by some persons who had placed themselves near about where his Majesty stood; but when anything from the Parliament came to be read, with so much hissing and reviling of the Parliament, that though, in respect and duty to the King's person, we could not resent it as otherwise we should have done, yet we have since expostulated and complained of it to his Majesty. Some were so bold as to say openly, 'That the Parliament-men should set their houses in order, for many of them should shortly have their heads off;' one of which (as since we are credibly informed) was one Hurst, a servant to Mr. William Crofts. In this, which was said by the King, you will see what reason we had to vindicate ourselves;

* Rushworth, V. 616.

and, therefore, we immediately repaired to the Dean's house, with all the other gentlemen, and there we took notice of the rough usage we had received. We told them that it was neither indiscretion nor disobedience in us (as his Majesty was pleased to call it) to deliver the Parliament's message, or to stay here, though commanded to the contrary, since we conceived no man needed to be satisfied in so clear a case as this, that every member of each House ought to obey their commands, when they were pleased to employ them; but since his Majesty thought fit to bid them take heed of us, not knowing what doctrine of disobedience we might preach to them, under colour of obeying the Parliament, we appealed to every man whether we had, in word or deed, in public or in private, done anything that became not honest men, and persons employed from the Parliament: that we had communicated our instructions to his Majesty, being that whereby we would avow all our actions, that we were confident it would not be said we had transgressed them. This was very well taken, and justified by the country.

"Yesterday there came divers thousands of freeholders in this city, though none but the gentry were summoned; but, receiving a command from the King not to come to Court, they forbore, and staid in the Castle-yard, yet sent this petition inclosed to his Majesty, and, received the answer annexed thereunto. There was likewise a committee of twelve gentlemen appointed yesternight, to consider of drawing up an answer to the King's proposition concerning a guard; but nothing could be then done, because it was past three o'clock before the gentlemen were admitted

to the King. This morning the freeholders assembled again in the Castle-yard; there they made this protestation inclosed of their right of voting in what concerneth the peace of the country, as having their interest therein. When we all met this morning again at the Dean's house, we, who are your committee, received this message by Sir Edward Stanhope: 'That he came from his Majesty to command us that we should depart from this meeting; and if we did stay, his Majesty would judge us guilty of what he spake of yesterday, which was, tampering.' Notwithstanding which command, we read the 4th Article of our instructions to the whole company, that being pertinent to the business we were then upon; and desired them to consider whether the Parliament had not expressed therein such a care of the King's safety, that there would be little need of guards. We told them that we had a good right of being there as freeholders of the county, but that in obedience to the King we would depart for this time; yet whensoever there should be occasion of our being there, in pursuance of our instructions from the Parliament, we should be ready. The whole company received great satisfaction, and desired a copy of that instruction, which we gave them.

"We were the more willing at that time to go from thence, because we should not only give obedience to the King's command, which otherwise he would have said we constantly disobeyed; but because the committee of twelve, appointed yesternight, were then to withdraw; so that there was nothing for the present for us to do. We immediately went to the King, and besought him, that since we were continually so dis-

countenanced by him, in the face of our county, he would be pleased to let us know in particular wherein we had given the occasion; for we otherwise conceived we were deprived of that liberty, which was our due in respect of that interest we had here. His Majesty was pleased to tell us, 'That if we would lay aside that condition of committee from the Parliament, he would not hinder us to be there as gentlemen of the county.' We humbly replied, 'That we could not lay that down, nor could be absent from any meeting, where our presence was required for the service, as a committee from the Parliament.' To which his Majesty said, 'That indeed he thought we could not lay it down, neither was it reasonable that we should have votes, and be in a double capacity.' The committee hath been together most part of this day; but not agreeing, six of them have drawn up this answer inclosed, which they have communicated to the gentlemen and freeholders; the greater part of the gentlemen, and all the freeholders, have agreed to, and subscribed it. The other six have concluded upon this other answer, consenting to a guard of horse; but to this we do not hear they have gotten many names, nor can we get a copy of those names as yet, though these be very few; yet whether they can bring in any horse or no, we cannot yet judge." *

Some few of the Yorkshire gentry agreed to aid in "raising a guard of horse" for the King; but, at the same time, "humbly desiring that the aforesaid guard may be raised by legal authority;" but others, whilst professing all due allegiance, gave no other answer than

* Parl. Hist. II. 1226.

to recommend the King "to hearken to the counsels of Parliament;" and the party who accompanied the committee to the Dean's house, went still more in opposition to the wishes of Charles, by recommending him "to impart the grounds of his fears and jealousies" to the Parliament; and promising "whatsoever might be advised by that great council, they would willingly embrace." *

The King speedily discovered the error he had committed by excluding the freeholders from the late assembly, relative to the formation of his guards; and therefore issued a proclamation, summoning "the ministers, freeholders, farmers, and substantial copyholders," to meet him on the 3rd of June, on Heyworth Moor.

On that day and place, there met an assemblage of from 80,000 to 100,000 men; "the like appearance was hardly ever seen in Yorkshire." Charles appeared among them, and commanded his Declaration to be read. It began with assuring them that he "never intended the least neglect to them in his former summons of the county," and then proceeded to assure them of his determination to uphold the Protestant Religion, and the law. It then assured them that the raising a guard "to himself and his children's persons" did not endanger the continuance of peace, but rather would tend to avoid war, "for his choice was of the prime gentry, and of one regiment of the Trained Bands (Sir Robert Strickland's)."

As a counterpoise to this declaration, a petition had been prepared, and entrusted to Sir Thomss Fairfax, for presentation to the King, and copies of it were

* Rushworth, V. 617.

dispersed among the assembled freeeholders on Heyworth Moor. Charles refused to receive this petition, and persisting in his refusal, Sir Thomas Fairfax followed him to the Moor, and there, "in the presence of that assemblage of the county, pressed so closely upon the King. that at last he tendered the petition on the pommel of his saddle." *

That petition represented the inconveniences arising from the King's continuing in Yorkshire, distant from the Parliament, and "drawing into those parts great numbers of discontented people," collecting horse and foot, "entertaining multitudes of commanders and cavaliers from other parts," and "by the great preparation of arms and other warlike provisions." It set forth the interruption of commerce, "insomuch that many thousand families who had their livelihood by the trade of clothing were at the point of utter undoing," and concluded by beseeching the King to refrain from all warlike preparations, and to return to an amicable course with the Parliament. †

Such determined conduct and disregard of the frowns of Royalty, did not assuage the ill-feeling towards the Fairfax family which had already proceeded to the extent of a resolution to secure the person of Lord Fairfax. This fact is told thus by Sir Thomas Fairfax, in a Manuscript, entitled "A short Memorial of some things to be cleared during my command in the Army;" differing very materially from that which has already

* Sprigge's England's Recovery, 8; Rushworth, V. 624; Parl. Hist. II. 1346.

† Parl. Hist. II. 1350. The Cavaliers were exceedingly enraged at this Petition; and Lord Savile actually attacked Sir J. Bourchier on Heyworth Moor, and forced him to give up a copy of that Petition which he was reading.—*Ibid.* 1353.

appeared in print, and in which printed copy the following extract does not appear:

"Now the Lord is visiting the nation for the transgression of their ways, as formerly He did to one sort of men, so doth He it to another sort, so that all may see their errors, and His justice; and as we have cause to implore His mercy, having sinned against Him so much, we still vindicate His justice, who is always there when He judgeth.

"Now, therefore, by His grace and assistance, I shall truly set down the grounds that my actions moved upon during that unhappy war, and those actions that seemed to the world most questionable in my steering through the turbulent and perilous seas of that time. The first embarking in the sad calamities of war was about the year 1641, when the general distemper of the three kingdoms had kindled such a flame in the earth; I mean the difference between the King and Parliament; as every one sought to quench his own house by the authority of both these; but the different judgments and ways were so contrary, that before the remedy could be found out, almost all was consumed to ashes.

"I must needs say, my judgment was for the Parliament, as the King and kingdom's safest council, as others were for the King, and averse to Parliaments, as if it could not go high enough for the prerogative. Upon which division, different parties were set up, viz., the Commission of Array for the King, and the Militia for the Parliament; but that of the Array so exceeded their commission, by oppressing many honest people, whom by way of reproach they called Roundheads, being for religion, estates, and interest, a very consider-

able part of the country; that it occasioned them to take up arms in their own defence, which was afterwards confirmed by Parliamentary authority.

"Now, my father being yet at his own house at Denton, where I then waited on him, though he had notice from his friends that it was resolved that he should be sent for as a prisoner to York, yet he resolved not to stir from his own house, not knowing anything in himself to deserve it; but the country suffering daily more and more, many were forced to come and entreat him to join with them in defence of themselves and country, which were sorely oppressed by those of the Array, which afterwards had the name of Cavaliers; and being much importuned by those who were about him, he resolved, seeing his country in this great distress, to run the same hazard with them in the preservation of it."

In answer to the petition presented to the King by Sir Thomas Fairfax, it was publicly declared that there was no intention of a war on his part. Yet, even two months before the petition was presented, the following Proclamation appeared, and efforts were made for levying money on the surrounding country.

A PROCLAMATION BY HIS EXCELLENCY WILLIAM, EARL OF NEWCASTLE, LORD GENERAL OF ALL HIS MAJESTY'S FORCES IN THE NORTHERN PARTS OF ENGLAND, FOR BRINGING IN OF ARMS.

WHEREAS I am credibly informed that there is much ammunition, and divers and sundry arms of all sorts, respectively; as corslets, pikes, muskets, carbines, and

pistols, in private men's hands, and not at all made use of, or employed in or about his Majesty's public service, in any part of this army under my command; but rather, contrariwise, (so long as they are in the power and disposing of private men, at their will and pleasure), may either, through the disaffection of the owners thereof, or by force, fear, or other means, be converted, used, misemployed (as many have already been) against his Majesty: And forasmuch as all such arms are, and may be, useful and necessary for his Majesty's army under my command: These are therefore to require and command all his Majesty's subjects, of what sort, quality, and condition soever, in these Northern parts, to render up and bring in all such particular arms and ammunition whatsoever as aforesaid, as they, or any of them, have in their power and custody, or are otherwise possessed of, either to the magazine at York, or that at Tynemouth Castle: To wit, those of the city of York, to render up and bring into the magazine there, all the said arms and ammunition, within twenty-four hours after the publication hereof; and all those of the county of York, and of the town and county of Kingston-upon-Hull, to bring in theirs to the magazine aforesaid, within four days after publication hereof; and all those of the several counties of the Bishopric, Northumberland, and county of Newcastle-upon-Tyne, to bring in theirs to the magazine at Tynemouth Castle, respectively, within four days, as aforesaid.

And I hereby require all manner of persons whatsoever, whom these may any ways concern, to take special notice of these commands, and to perform ready and speedy obedience thereunto, according to the true

intent, meaning, and tenor hereof, upon pain of forfeiture of all their goods, cattle, and chattels whatsoever, and as they and every of them offending to the contrary, will answer the same at their utmost peril. And my will and pleasure is, that all the several officers of the magazines aforesaid, upon the receipt of all arms of any persons whatsoever, shall give under his hand a bill of receipt thereof to the several person or persons so bringing in their arms, according to the true intent hereof, that they and every of them may receive back the said arms, when they can be spared from his Majesty's service, or otherwise receive satisfaction for them.

Provided always, that such as shall have warrant from his Excellency to buy or keep arms or ammunition for his Majesty's service, and for the defence and safety of his house and person, shall not be prejudiced by this Proclamation.

And it is likewise declared, that every officer and soldier, under pain of cashiering and further punishment, who shall take in any skirmish, conflict, or by any other means, any pikes or muskets, pistols or swords, from the enemy, shall, within ten days, bring in the said arms to that magazine next unto him; and shall, for every musket that is fixed, have five shillings; for every pistol fixed, five shillings; for every pike, eighteenpence; for every sword, twelvepence; and for all other arms proportionably.

Given at York, the first day of April, in the nineteenth year of the reign of our Sovereign Lord Charles, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith.

This Proclamation, even if it had contained no clause of reward for arms taken "from the enemy," left no room for doubt as to the King's determination. It was so accepted by the men of Yorkshire, and in a Manuscript intitled "Northern Intelligence," are these comments upon the movements preliminary to hostilities, as well as some particulars of the first skirmishes:—

"NORTHERN INTELLIGENCE.

"THE King's Majesty having for some certain time retired himself from his Parliament, and given the Houses an assurance how highly he was displeased with them; from Windsor betakes himself to York, where, notwithstanding after his own protestations, and his peers' attestations that he as yet never intended or had the least thought of warring upon his subjects, he not only solicits and stirs up foreigners by his agents, and provides ammunition by the Queen's means, but imparts his intent to his most active subjects, who all this while are subscribing for a military assistance. Nay, his very nobles, who the last week protested that they saw no preparation for a war, the next week after subscribe for his assistance thereto at York. Thus is Yorkshire become the first stage for this tragedy, where three acts of five are presented in the rule of poetry. But it had been well for us that our exit had been here, and that we had been no more brought upon this stage.

"But the King's presence had too great an influence here, like those malignant planets which brought him hither, and which wrought not on the affections, but

passions of men. Before he departs hence, he will countenance a most illegal and generally a disgusted presentment of a packed grand jury; who in the name of the whole county, must desire such a government (in his Majesty's absence), as he hath designed; and in such a manner, as a malignant council hath contrived it, namely, that 8,600*l.* must be speedily collected upon the subjects of this county, for levying of an army, that shall be directed by Glemham, Wayst, and Meim (strangers to us), for the security of this county. A face it had of plausibility too, which was, to oppose all foreigners: and herein my Lord of Cumberland must have a power accordingly, not to his own merit (as it fell out afterwards), but according to the necessity of his Majesty's affairs.

"Here, his Majesty takes leave of us, and advances into the south.* This opportunity stirs up certain well-affected gentlemen in this county, to promote the Militia, and the execution thereof; who had good grounds therefore, as perceiving the Northern subjects did rather show their late obedience than affection to his Majesty, as also for that his Majesty's purposes were now more clearly discerned, for the invading of the liberty and property of the subject.

"But here begun the first breach: in lieu of opposing of foreigners, a regiment of Northumberland horse is permitted to pass the very length of the county; who upon intimation given that Sir Edward Rodes did affect the Militia, by commission from his Majesty, fall

* "1642. August 22nd. His Majesty set up his Standard Royal at Nottingham for raising of forces to suppress the rebels, then marching against him."—*Mercurius Belgicus.*

upon him to take his arms; and after a short defence, his barn was burnt for so doing: the horror whereof, stirred up divers good subjects, his neighbours, to advance to the quenching of this said fire. But within two days a *Quo Warranto* issues from York (from the council of war there) against them; to answer which, they are glad to plead the horror for their excuse, whereof as yet they know no acceptance.

"Shortly afterwards, this wise council had the confidence to demand the monies aforesaid, for their great care of preserving this county in peace, according to their articles of presentment. These occasion some diligence in the gentry, who by a discreet compliance presently act the militia at Rotherham and Bradford at once. To countenance which (as he declared at Snaith) came Captain Hotham from Rotherham to Scansbyleys, 23 Sept., with three companies of foot, and one troop of horse from Hull; and takes possesssion of Doncaster. In this interim, the commissioners in Sheffield had been suitors to the nursery at Hull for officers, and begun to oppose the King's passages through their town, and deny the sheriff their arms.

"This arrival of Captain Hotham, as it put resolution and action into the hearts and hands of the well-affected, so it put jealousies and terror into the hearts of the malparty, who bestirred themselves, not so much for his Majesty's service as for their own security, to enter Pomfret; which might as easily have been done by the other party, if it had been as convenient; but they, who came to act, must not lie still in a castle. The delinquents call for assistance from York, and force in the Trained Bands, with threats of plundering, imprison-

ment, and death—for such was Jervase Nevile's proclamation in Wakefield Church; but they were not yet hardy enough to beat the Militia on Scansbyleys: they must therefore beat it at a treaty, in a house on Rodwellhaugh, with six on a side. The six West Riding men for the Militia are circumvented, and must condescend to certain articles as wild in sense as substance, or they were to be finally forced thereto, which yet did not bear the strictness of the law in the breach thereof, as the malparty would seem to expound it. For why should the West Riding men bind the whole county, and why must Captain Hotham go back, without his own consent, or a joint force? yet these things (say they) are implied. But they not contented herewith must have a fling, how far they may trench upon the articles before they were finished, besides plundering in the time of treaty the ordnance found at Doncaster, which by the articles were to be left there, but the articlers would have them to Pomfret; and to this purpose was Captain Batt and Lieutenant Horsfall sent the very day that it was in Captain Hotham's election to go back to Hull.

"Pending this treaty, Captain Hotham marches to Selby, where meeting with the addition of two companies of foot more, with small resistance takes in the Archbishop of York's castle of Cawood, whose brave furniture suffered more impairment through the rude handling of the soldier, than it rendered profit with respect to the true value thereof. And thus were the grey-coats first made known to us, who shortly after gained the character of most exquisite plunderers.

"The articles aforementioned were by this time

certified to Parliament, when now the former discontented parties were more fully satisfied with a declaration concerning the same, and that by transcending reasons; namely, for that they rendered the well-affected party of this county inutile to the kingdom, Parliament, and themselves; if so be, the neutrality should be observed, which by those articles was then condescended unto; thereupon both Houses did absolve all the subscribers on that side.

"Pomfret was now grown too little to contain the conflux of the compulsed soldiers of the Trained Bands. They are, therefore, enlarged to Leeds, with a purpose (as they say) to oppose my Lord Fairfax from executing the Militia there; whom they knew by this time to be constituted General for the Parliament of the West Riding forces. He being now come to Bradford, they fall upon his quarters, two several days; and two several out-marches made to the town's end. They are repulsed, at first only with the sight of it; at the second time, they grow bolder, and relying upon their drakes, where one of them bursting, and a little outroad made upon them, they were forced to retreat with loss. This invited my Lord Fairfax to visit them again in their quarters at Leeds, where Captain Hotham with Sir Christopher Wray and Captain Hatcher met him, so without any resistance, they entered the town, banished the array, and had (if fortunate intelligence had befriended them) routed their baggage.

"Towards York they post with the array, by Wetherby away; for that Cawood Castle was now too near Tadcaster. There they stay not long neither, but haste to York. The new levied forces, with the assistance afore-

said, march after them; and now betaking themselves to the several posts, they intercept the Yorkists of fuel, and coop them up within the bounds of the Aynstie. Wetherby possessed on the one side, Tadcaster on the other, and Stanford Briggs by Sir Hugh Cholmeley; they begin to be more afraid than sensible of a distress. Hereupon in November my Lord of Newcastle is solicited by them for their enlargement. To this employment are all the Papists in the kingdom invited; and not improperly in respect of their interest, but exceedingly in regard of the pretence; for a man would think it as absurd to defend the Protestant religion with Papists, as Christianity with Jews, or aristocracy with monarchy. But my lord's declaration to this purpose must be credited before his Majesty's protestation; which is, that he is so far from making use of the Papists, that though they should desire it, yet is he confident that none dare take upon them the impudence to do it; and for that, if they should do it, yet he hath taken such a course, by tendering the oaths of allegiance and supremacy, as none dare to offer it. This is that which begets the distinction in his Majesty's declarations, betwixt the Protestant religion and the Protestant profession; for who knows not, but a man may be as easily a friend to the profession, and an enemy to the religion, as to love my gests, and dislike my tenets, which differs as much as essence from form.

"It is now more than time to provide against this Northern storm. Sir Christopher Wray, Captain Hotham, and Captain Hatcher, with their three troops of horse, and four companies of foot, advance towards

the Bishopric of Durham,—*venienti occurre morbo.** At Darnton they have the first advantage, which, by lighting upon a troop of the enemy which resisted little, gave good fleshing to their soldiers. For, besides the routing of it, it struck such a terror through the Bishopric of Durham, that itself could not be confident of its security.

"Here was the Danish Ambassador met with, whose errand might have merited a worse entertainment than a fair dismissal; but his comrade, Colonel Cochrane, escaped not so well; whose interception (to some well known) was not of the least consequence. From Darnton they proceed to Percie Brigg, a place fortified by the Bishopric forces, to make their pass by into Yorkshire. Here they fell upon their works, and not without success neither. Here was the first man of note slain on either side, since this storm begun. Colonel Thomas Howard, with . . . . men of his; and not one lost, nor above three wounded, on the other side.

"But this was a hold too tenable to be forced. From hence, our friends take the courage to invite the encountering of my Lord of Newcastle, and press it as a thing feasible. Brave resolutions had need of other judgments; for, had we had forces enough to encounter them, yet had we without any coercion opened the pass to the Yorkists, to have fallen upon our best friends in the western parts of Yorkshire, which yet for the satisfaction of those who desired it, was not altogether declined; but how difficult a thing it would be to regain it, after an encounter of equal hazard, every man may safely judge.

* Meet the coming disease.

"In this interim, the Yorkists issue upon Wetherby, (21st November), the first attempt since they were begirt, and the bravest they ever made; for, had it been seconded as it was essayed, their success had been as great as their endeavours; but God would not permit it. Yet who can imagine the six cornets advancing within less than musquet shot before discovery, and sundry horse within the town before resistance, upon a garrison defended with thirty men, (for so, I dare say, no more came in play), with such an advantage as the best intelligence could befriend them, should depart with so bad success! For, besides one Captain and two common soldiers slain, they cannot brag of much they did; yet if they reckon the men spoiled by our own powder as part of their trophy, truly we must allow it them, as *causa sine quâ non;* and this we can afford them for one serjeant-major, one cornet, and thirteen common soldiers; though we cannot overpraise so brave a captain as ours was.* Thus they retired to York, which was not their first flight neither. I have desired to avoid all ostentation in this relation; for he, Sir Thomas Fairfax, that did the gallantliest on our side doth utterly abhor it; and yet it were a diminution to God's glory not to have the same in some measure acknowledged.

"All this while my Lord of Newcastle is drawing on towards Yorkshire with his Catholic army, for so, no doubt, he will joy to have them called. Let them be so in my sense. Our spies discover sixty-four colours of horse and foot; the prisoners we take report him to be eight thousand strong. Hereupon Sir Christopher

* The names of the officers were Serjeant-Major Carr and Cornet Farmer.

Wray and the rest are forced to retreat with their forces, and after some few days take up their quarters in Knaresborough. There the castle was held by one Croft (both the man and it having relation to Sir Richard Hutton); he annoys their repose. The common soldiers, without order, let fly at it with their muskets, and so, exchanging bullets, after twenty-four hours the town is deserted; from thence to Wetherby the retreat is continued.

"By this time (30th November) my Lord of Newcastle conjoins with his friends at York, and now—*serpens serpentem devorans, fit draco.** It was not now for my lord's honour, who had so great an army, and so brave resolutions, to doubt of his purpose. He fairly gives it out to pass through Tadcaster the next day, to strengthen which all the forces are called away from Wetherby, Wednesday, 5th December. His lordship could by this time be little less than 7000 strong, ready to fall upon the east side of Tadcaster, besides 1500 which were directed to Wetherby, to have fallen upon the north-west side. The forces in garrison were about 2000 foot, besides six troop of horse, which I cannot reckon at this time for their uselessness. All business within the garrison ordered with singular judgment for this entertainment; every man knew his task, as well what to do as what he was about to do: my Lord General himself, who commanded it, saw it also performed. The salvo begun between ten and eleven in the morning amongst the musqueteers on both sides, upon our strongest platform, (which yet was not fully perfected,) being to the east; shortly after, their culverin played upon certain

* A serpent devouring a serpent, becomes a dragon.

reserves placed near the church. The red regiment of the enemy came on resolutely, and this became them who were the life-guard and choicest men. Their black, which should have seconded them, were so galled by our drakes, as they durst not approach fairly; yet, by the help of some houses which they found near the works, they did much annoyance. To beat them out thereof was our greatest labour, and not the least difficulty; for it could not be effected without tiring of them. By this means they fell soon upon the bridge, (I mean that flank which lay to the south-east); the other was open, yet too well guarded with our ordnance upon the bridge and a company of grey-coats. This was the least attempted; but when they found themselves so strongly opposed to the river, they betake themselves to the High Street, and here was the evening work, but for a flourish, to sever their retreat. Night may be said now to draw them off. For a mile they retreat; but we, not so satisfied, (whose spirit attended our curiosity,) sent out a troop to discover what was become of our enemy. Half a mile off was sent some parties to recover their dead bodies, who gave fire, but bided not by it. We by this means could get an account of twenty, at the least, slain on the enemy's part; although some of them would pawn their credits for eight only; but these were such as fell into our hands afterwards by dint of sword, and not of honesty.

"But it has been their principal art hitherto to cover their losses with glosses, and, like the sons of Kinton, protest the loss on their adversaries, against the known truth. Nay, they had the confidence, within two days after, to send us a list of nineteen prisoners (if so many),

for twelve were only retained, taken in their beds, to exchange for as many taken in the field. I dare almost pawn my faith, (which is not faction, nor my religion rebellion,) that we had not eight killed outright, whereof one (three days before) had the title of colonel conferred on him, nor thrice so many by them wounded. Whereas, if a cornet of theirs say true, there were seven laden carts of wounded bodies sent the next day into York; nor could they, nor we, well number the bodies of those who were wounded, and could not be recovered out of the fired houses.

"The next morning (6th December) by two of the clock we struck up our drums to quit the place, which we had very good cause to do. Admitting our store of ammunition would have supplied us, which was all spent, yet the conjoined forces of Wetherby and Tadcaster could neither find receipt nor entertainment there for both; secondly, our forces not being a fourth part answerable to theirs, now not able to make good all the passes betwixt Tadcaster and our friends at Hull; thirdly, Wetherby being now possessed by our enemies, with advantage to surround us, it was nowise tenable: Sir Hugh Cholmondeley not yet coming in to our relief.

"Thus our retreat was continued from thence to Cawood, and so to Selby, a necessity of maintaining this river lying upon us. But here we could not let ourselves rest, though our enemies would not disturb us: nothing enfeebles soldiers more than ease. Within a week it was resolved that our enemies must not pass unsaluted. An alarm was as little as we could afford them, which was to be done at Sherburn; at which time

(Wednesday, 17th December) the town was entered with more facility than could afterwards be credited. For who can believe that so many horse (where 800 lay quartered) could enter a well-guarded barricado as should drive all the horse there out of their quarters, through the town, and more than out at the town's ends, towards Pomfret? Here they that were the forwardest on the enemy's part fared the worst; the rest, no doubt, touched with guilt in so bad a cause, durst not look innocence in the face. Here did our common soldiers, with horse, arms, and prisoners, so furnish themselves, as if they had been at a free mart for choice.

"The success of this business, next to God Almighty, is to be ascribed to Sir Thomas Fairfax, who had the conduct thereof, and brought along with him two great officers, Sir William Liddall, a sergeant-major of horse, and Mr. Wyndham, a commissary-general of the army. Far more prisoners than they did had they brought along, had not the common soldiers been so intent upon pillage. The loss of men on both sides (God still assisting His own cause) still held the like proportion with the former, fifteen for two of ours, which was all the prisoners the enemy had to brag of. Nor could this be said to be done upon the fag end of their army, they still holding a quarter at Tadcaster, being four miles rearward.

"If this work be of men it will come to naught (Acts v.). Natural man is more convinced by example than by reason. Gamaliel (in that place) is forced to make use of his instances. He that will talk with a plain man must use his language; that's his philosophy; he minds not the causes, but the event of things.

"Now be he what he will, and let him judge whether this be of God or man: and who knows but that he hath brought these great forces to be delivered into our hands? Amen."

Unwilling to mutilate this manuscript by extracting only a portion, we have printed it entire, though by so doing we have been carried beyond the attempt upon Hull, the issuing the commission of array, and the setting up of the King's standard. To the interesting details of these events and their momentous consequences we shall hereafter direct the attention of the reader: events rendered doubly interesting, just now when the same great contest is enacting throughout the continent of Europe, and the same just line of demarcation is sought for, beyond which neither the prerogative of the monarch nor the liberty of the subject should trespass.

APPENDIX.

WILL OF THOMAS, FIRST LORD FAIRFAX.

In the Name of God, Amen. The Three and Twentieth Day of May, Anno Domini One Thousand Six Hundred Thirty and Five, I, Sir Thomas Fairfax, of Denton, Knight, Baron of Cameron, do hereby revoke all former Wills and Testaments, by me heretofore at any time made, and more particularly that which I did make at my going last beyond the seas: And I do hereby make and declare this my last Will and Testament in these words following: First and principally giving all humble thanks to Almighty God, my Creator, for that he in His mercies in Jesus Christ, my Redeemer, hath given me time and grace to repent me of my sins, and to be confident of the forgiveness of the same, and of my salvation in Jesus Christ; and amongst other, His manifold benefits for enabling me at this time to dispose of those worldly things wherewith in His divine bounty He hath endowed me: I do commend my soul into the hands of that Infinite Majesty, in the name of the Father, the Son, and the Holy Ghost, One and the same God, whose presence I hope to enjoy in the Kingdom of Heaven. Next, I will that my body be buried in the Parish Church of Otley, near the body of my virtuous wife deceased, whose soul is in Heaven, and her body interred in the said church.

Item, I give to my second son, Henry Fairfax, Parson of Ashton-under-line, in Lancashire, one bond of 40*l*., wherein he standeth bound unto me for that money: And I do release and forgive the same, I having preferred him sufficiently before, in procuring for him the said Parsonage of Ashton, and giving him the Parsonage of Newton Kime, in the County of York, and in making his wife a jointure of the moiety of Clementhorpe, and giving the same to his eldest son, Thomas, for his life also.

Item: Because I have given to my third son, Charles Fairfax, of

Menston, in preferment of him in marriage, and to Mary, his wife, for their lives, the other moiety of Clementhorpe aforesaid, being now above the value of 50*l.* yearly; as also, 300*l.* in money; I now give him no more. But I give to his eldest daughter, Elinor, 100*l.* to be put forth by my son, Sir Ferdinando Fairfax, to the preferment of her, the said Elinor, in marriage, and to be then paid to her, or when she shall accomplish the age of sixteen years; and if she die before the said time, then to some other of my son Charles's younger children, such as my said son, Sir Ferdinando, and he shall like of.

Item: I give to my daughter, the Lady Constable, 40*l.*, to be bestowed in some remembrance of me.

Item: I give to my grandchild, Thomas Fairfax, (eldest son of my said son, Sir Ferdinando Fairfax,) my best arms, my best horse, my gilt plate, with all my household stuff now at Denton, provided that his father have the use of them during his life.

Item: I give to my grandchildren by my said son, Sir Ferdinando, every of them, 10*l.* a-piece; and likewise, 10*l.* to my grandchild, Michael Wentworth, to bestow in some jewels to wear for my sake.

Item: I give to my good friend, Mr. Christopher Herbert, of Middleton, my best nag, or 6*l.* in lieu of him, at his choice.

Item: I will and give to be continued to my chaplain, Thomas Clapham, the means which he now hath from me, until he have better preferment. And I desire my said son, Sir Ferdinando, not to be wanting to him for his advancement.

I give to my servant, Richard Lawson, 10*l.* for his service done and to be done, to be paid yearly during his life, so that he be and continue my servant at the time of my death.

Item: I likewise give to my servants, William Hill and John Mawson, to either of them, 6*l.* 13*s.* 4*d.* a-piece, for their several services done and to be done, to be paid yearly during their lives; and so also that they be and continue my servants respectively at my death.

Item: I give to Walter Brogden the farm which he now hath during his life; and to John Gaunt, 30*s.* yearly during his life. And I make my said son, Sir Ferdinando Fairfax, my sole executor. In witness whereof I have hereto set my hand and seal, the aforesaid day and year first above written. Sealed and published in the presence of us, William Ramsden, Richard Dighton, Stephen Braithwait, Thomas Brown, Francis Fleming, and Charles Harper.

MEMORANDUM.—That this Twelfth Day of April, 1640, I, Sir Thomas Fairfax, of Denton, Knight, Baron of Cameron, (having formerly made declared and published my last Will and Testament,) do now think fit and will to be added, as a Codicil thereunto, these several legacies ensuing:

That is to say, First, I give further to my servant and housekeeper, Anne Kirk, 40*l.*

Item: Over and besides the legacy already by me given to my servant, William Hill, in my said former will, I do further hereby remit and forgive unto him the several yearly rents he is arrear, and hath hitherto unpaid to me, touching the rectory of Pannal. In the presence of us, (Sir) Ferdinando Fairfax, Thomas Procter, and Richard Lawson.

(Signed) FAIRFAX.

Voluntatem defuncti perimplere, nil sacratius!
Natorum oppugnatione—Quid turpius?

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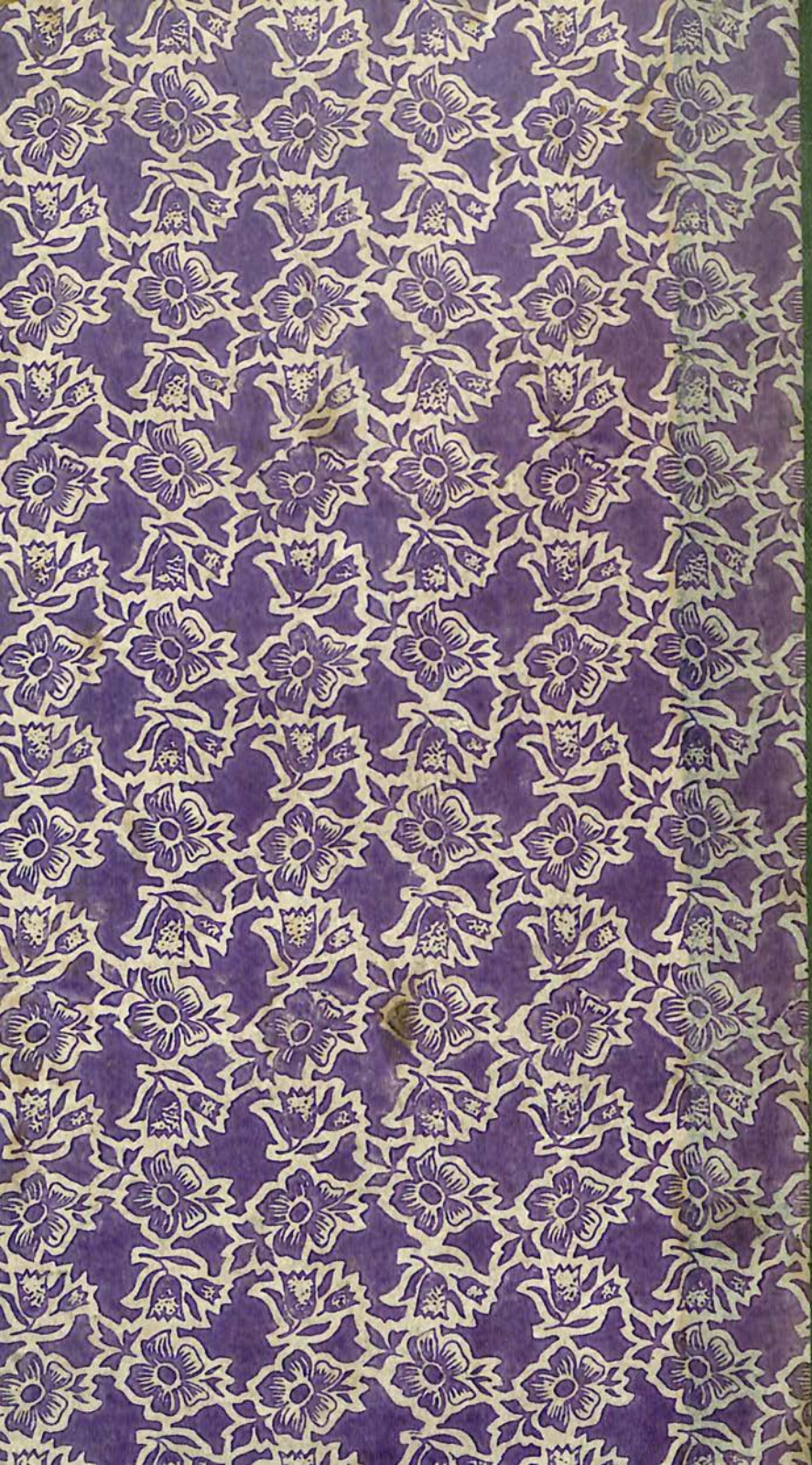
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